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THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: Sponsored by the Office of the Federal Register.
WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: May 13, 1997 at 9:00 am
WHERE: Office of the Federal Register
Conference Room
800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)
RESERVATIONS: 202–523–4538

FOR ADDITIONAL BRIEFINGS SEE THE ANNOUNCEMENT IN READER AIDS

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Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free **Electronic Bulletin Board** service for Public Law numbers, **Federal Register** finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 62, No. 80
Friday, April 25, 1997

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 446 and 457

Walnut Crop Insurance Regulations; and Common Crop Insurance Regulations, Walnut Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) finalizes specific crop provisions for the insurance of walnuts. The provisions will be used in conjunction with the Common Crop Insurance Policy Basic Provisions, which contain standard terms and conditions common to most crops. The intended effect of this action is to provide policy changes to better meet the needs of the insured, include the current walnut crop insurance regulations with the Common Crop Insurance Policy for ease of use and consistency of terms, and to restrict the effect of the current walnut crop insurance regulations to the 1997 and prior crop years.

EFFECTIVE DATE: June 24, 1997.

FOR FURTHER INFORMATION CONTACT: Arden Routh, Insurance Management Specialist, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 9435 Holmes Road, Kansas City, MO 64131, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Executive Order No. 12866

The Office of Management and Budget (OMB) has determined this rule to be exempt for the purposes of Executive Order No. 12866, and therefore, has not been reviewed by OMB.

Paperwork Reduction Act of 1995

Following publication of the proposed rule, the public was afforded 60 days to submit written comments on information collection requirements previously approved by OMB under OMB control number 0563–0003 through September 30, 1998. No public comments were received.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Executive Order No. 12612

It has been determined under section 6(a) of Executive Order No. 12612, Federalism, that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions, or on the distribution of power and responsibilities among the various levels of government.

Regulatory Flexibility Act

This regulation will not have a significant impact on a substantial number of small entities. New provisions included in this rule will not impact small entities to a greater extent than large entities. Under the current regulations, a producer is required to complete an application and an acreage report. If the crop is damaged or destroyed, the insured is required to give notice of loss and provide the necessary information to complete a claim for indemnity.

The insured must also annually certify to the previous years production if adequate records are available to support the certification. The producer must maintain the production records to support the certified information for at least three years. This regulation does not alter those requirements.

The amount of work required of the insurance companies delivering and servicing these policies will not increase significantly from the amount of work currently required. This rule does not have any greater or lesser impact on the producer. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605), and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order No. 12372

This program is not subject to the provisions of Executive Order No. 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR 3015, subpart V, published at 48 FR 29115, June 24, 1983.

Executive Order No. 12988

This rule has been reviewed in accordance with Executive Order No. 12988. The provisions of this rule will not have a retroactive effect prior to the effective date. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 must be exhausted before any action for judicial review may be brought.

Environmental Evaluation

This action is not expected to have a significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

National Performance Review

This regulatory action is being taken as part of the National Performance Review Initiative to eliminate unnecessary or duplicative regulations and improve those that remain in force.

Background

On Friday, August 9, 1996, FCIC published a proposed rule in the **Federal Register** at 61 FR 41527–41531 to add to the Common Crop Insurance Regulations (7 CFR part 457) a new section, 7 CFR 457.122, Walnut Crop Insurance Provisions. The new

provisions will be effective for the 1998 and succeeding crop years. These provisions will replace and supersede the current provisions for insuring Walnuts found at 7 CFR part 446 (Walnut Crop Insurance Regulations). FCIC also amends 7 CFR part 446 to limit its effect to the 1997 and prior crop years. FCIC will later publish a regulation to remove and reserve part 446.

Following publication of the proposed rule, the public was afforded 60 days to submit written comments. A total of 10 comments were received from the crop insurance industry (industry) and FCIC. The comments received, and FCIC's responses, are as follows:

Comment: The industry recommended adding the words ''and quality'' after the word ''quantity'' in the definition of ''irrigated practice.''

Response: FCIC agrees that water quality is an important issue. However, there are no standards that have been developed to measure water quality for insurance purposes. Therefore, no change has been made.

Comment: The industry questioned why all optional units must be identified on the acreage report for each crop year, and if so, is this by crop or also by practice, type, and variety.

Response: FCIC has clarified this provision to indicate that only those optional units selected for the specific crop year need be identified on the acreage report.

Comment: The industry is concerned with section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities), and recommends that the language be changed to ''* * * select only one price percentage * * *'' It would not then be necessary to include complex provisions regarding varieties or varietal group with different maximum prices.

Response: Methods used to select price elections vary between insurance providers. While some require selection of a percentage of the price election, others require selection of a specific dollar amount. Therefore, no change has been made.

Comment: The industry questioned whether the language contained in section 6(e) pertained to optional units, basic units, or both. If the provisions applies only to optional units, the industry recommended moving the provisions to section 2. The industry also questioned if the agreement in writing to insure less than 5 acres would be a Written Unit Agreement or a written statement accepted by the parties involved.

Response: This provision pertains to both optional and basic units. The provision requires only that the insurance provider agree in writing to insure the acreage. It is not necessary to have a formal Written Unit Agreement. Therefore, no change has been made.

Comment: The industry recommended changing the language in section 8(a)(1) from ''in your insurance provider's local office'' to ''in our local agent's office'' to be consistent with other perennial crop policies. One comment also asked if the provisions in this section allow late filed applications.

Response: FCIC agrees with the comment and has amended the provisions to read ''* * * in our local office * * *'' This section was not intended to allow late filed applications. The provisions have been rewritten to indicate that the date insurance attaches is 10 days after the application is received, if it is received within the 10 day period prior to the sales closing date.

Comment: The industry believes that section 11(c)(1)(iv) should not allow the producer to defer settlement and wait for a later, generally lower, appraisal on insured acreage the producer intends to abandon or no longer care for.

Response: The later appraisal will only be necessary if the insurance provider agrees that such appraisal would result in a more accurate determination and the producer continues to care for the crop. If the producer does not care for the crop, the original appraisal is used. If the insurance provider believes the original appraisal is accurate, resolution of the dispute may be sought through arbitration or appeal procedures, whichever are applicable. Therefore, no change has been made.

Comment: The industry suggested combining the provisions contained in section 12(e) with the provisions in section 12(a).

Response: The requirement that requests for written agreements be submitted by the sales closing date is intended to be the rule and acceptance after such date will only be allowed under unusual circumstances. Therefore, no change has been made.

Comment: The industry recommended that the requirement for a written agreement to be renewed each year be removed. Terms of the agreement should be stated in the agreement to fit the particular situation for the policy, or if no substantive changes occur from one year to the next, allow the written agreement to be continuous.

Response: Written agreements are intended to change policy terms or permit insurance in unusual situations where such changes will not increase risk. If such practices continue year to year, they should be incorporated into the policy or Special Provisions. It is important to keep non-uniform exceptions to the minimum to assure that the insured is well aware of the specific terms of the policy. Therefore, no change will be made.

In addition to the changes described above, FCIC has made the following changes to the Walnut Provisions:

1. Section 2(b)—Deleted this provision because it was in conflict with section 2(a) and redesignated the following provisions.

2. Section 2(c)—Clarified provisions regarding premium refunds when optional units are combined into a basic unit.

3. Section 2(e)(1)—Clarified that production reports must be certified by the production reporting date as one of the requirements for optional units.

4. Section 6(d)—Added a specific percentage of the trees that must have reached the ninth growing season before the crop is insurable unless the insured obtains a written agreement.

5. Section 8(b)(1)—Added a provision to clarify that acreage acquired after the acreage reporting date is not insurable.

6. Section 8(b)(2)(iii)—Added a provision to clarify that a person to whom coverage is transferred must be eligible for insurance.

7. Section 9—Clarified provisions to indicate that adverse weather that prevents the proper application of control measures, causes properly applied control measures to be ineffective, or causes a circumstance that promotes disease or insect infestation for which no effective control mechanism is available for disease and insect damage is an insured causes of loss to be consistent with other crops. Also, clarified that failure of the irrigation water supply is a covered loss only if caused by a peril for which insurance is provided.

8. Section 11(b)—Clarified the calculations used to settle a claim.

List of Subjects in 7 CFR Parts 446 and 457

Crop insurance, Reporting and recordkeeping requirements, Walnut crop, Walnut insurance regulations.

Final Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation hereby amends 7 CFR parts 446 and 457 as follows:

PART 446—WALNUT CROP INSURANCE REGULATIONS

1. The authority citation for 7 CFR part 446 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

2. The subpart heading preceding § 446.1 is revised to read as follows:

Subpart—Regulations for the 1986 Through the 1997 Crop Years

3. Section 446.7 is amended by revising the introductory text of paragraph (d) to read as follows:

§ 446.7 The application and policy.

* * * * *

(d) The application for the 1986 and succeeding crop years is found at subpart D of part 400—General Administrative Regulations and may be amended from time to time for subsequent crop years. The provisions of the Walnut Insurance Policy for the 1986 through 1997 crop years are as follows:

* * * * *

PART 457—COMMON CROP INSURANCE REGULATIONS; REGULATIONS FOR THE 1994 AND SUBSEQUENT CONTRACT YEARS

4. The authority citation for 7 CFR part 457 continues to read as follows:

Authority: 7 U.S.C. 1506(l), 1506(p).

5. Section 457.122 is added to read as follows:

§ 457.122 Walnut Crop Insurance Provisions.

The Walnut Crop Insurance Provisions for the 1998 and succeeding crop years are as follows:

FCIC policies:

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Reinsured policies:

(Appropriate title for insurance provider)

Both FCIC and reinsured policies:

Walnut crop provisions

If a conflict exists among the Basic Provisions (§ 457.8), these Crop Provisions, and the Special Provisions; the Special Provisions will control these Crop Provisions and the Basic Provisions; and these Crop Provisions will control the Basic Provisions.

1. Definitions

Days—Calendar days.

Good farming practices—The cultural practices generally in use in the county for the crop to make normal progress toward maturity and produce at least the yield used to determine the production guarantee, and are those recognized by the Cooperative State Research, Education, and Extension Service as compatible with agronomic and weather conditions in the county.

Harvest—Removal of the walnuts from the orchard.

Interplanted—Acreage on which two or more crops are planted in any form of alternating or mixed pattern.

Irrigated practice—A method of producing a crop by which water is artificially applied during the growing season by appropriate systems and at the proper times, with the intention of providing the quantity of water needed to produce at least the yield used to establish the irrigated production guarantee on the irrigated acreage planted to the insured crop.

Net delivered weight—Delivered weight (pounds) of dry, hulled, in-shell walnuts, excluding foreign material.

Non-contiguous land—Any two or more tracts of land whose boundaries do not touch at any point, except that land separated only by a public or private right-of-way, waterway, or an irrigation canal will be considered as contiguous.

Pound—A unit of weight equal to 16 ounces avoirdupois.

Production guarantee (per acre)—The number of pounds (whole in-shell walnuts), determined by multiplying the approved APH yield per acre by the coverage level percentage you elect.

Written agreement—A written document that alters designated terms of this policy in accordance with section 12.

2. Unit Division

(a) Unless limited by the Special Provisions, a unit as defined in section 1 (Definitions) of the Basic Provisions (§ 457.8), (basic unit) may be divided into optional units if, for each optional unit you meet all the conditions of this section or if a written agreement to such division exists.

(b) If you do not comply fully with these provisions, we will combine all optional units that are not in compliance with these provisions into the basic unit from which they were formed. We will combine the optional units at any time we discover that you have failed to comply with these provisions. If failure to comply with these provisions is determined to be inadvertent, and the optional units are combined into a basic unit, that portion of the additional premium paid for the optional units that have been combined will be refunded to you.

(c) All optional units you selected for the crop year must be identified on the acreage report for that crop year.

(d) The following requirements must be met for each optional unit and may not be waived by written agreement:

(1) You must have provided records by the production reporting date, which can be independently verified, of acreage and production for each optional unit for at least the last crop year used to determine your production guarantee;

(2) You must have records of marketed production or measurement of stored production from each optional unit maintained in such a manner that permits us to verify the production from each optional unit, or the production from each unit must be kept separate until loss adjustment is completed by us; and

(3) Each optional unit must be located on non-contiguous land.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

In addition to the requirements of section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities) of the Basic Provisions (§ 457.8):

(a) You may select only one price election for all the walnuts in the county insured under this policy unless the Special Provisions provide different price elections by variety or varietal group, in which case you may select one price election for each walnut variety or varietal group designated in the Special Provisions. The price elections you choose for each variety or varietal group must have the same percentage relationship to the maximum price offered by us for each variety or varietal group. For example, if you choose 100 percent of the maximum price election for a specific variety or varietal group, you must also choose 100 percent of the maximum price election for all other varieties or varietal groups.

(b) You must report, by the production reporting date designated in section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities) of the Basic Provisions (§ 457.8), by variety or varietal group if applicable:

(1) Any damage, removal of trees, change in practices, or any other circumstance that may reduce the expected yield below the yield upon which the insurance guarantee is based, and the number of affected acres;

(2) The number of bearing trees on insurable and uninsurable acreage;

(3) The age of the trees and the planting pattern;

(4) For the first year of insurance for acreage interplanted with another perennial crop, and anytime the planting pattern of such acreage is changed, the age of the crop that is interplanted with the walnuts, and type if applicable, and the planting pattern; and

(5) Any other information that we request in order to establish your approved yield.

We will reduce the yield used to establish your production guarantee as necessary, based on our estimate of the effect of the following: interplanted perennial crop; removal of trees; damage; change in practices and any other circumstance on the yield potential of the insured crop. If you fail to notify us of any circumstance that may reduce your yields from previous levels, we will reduce your production guarantee as necessary at any time we become aware of the circumstances.

4. Contract Changes

In accordance with section 4 (Contract Changes) of the Basic Provisions (§ 457.8), the contract change date is October 31 preceding the cancellation date.

5. Cancellation and Termination Dates

In accordance with section 2 (Life of Policy, Cancellation, and Termination) of the Basic Provisions (§ 457.8), the cancellation and termination dates are January 31.

6. Insured Crop

In accordance with section 8 (Insured Crop) of the Basic Provisions (§ 457.8), the crop insured will be all the commercially grown English Walnuts (excluding black walnuts) in the county for which a premium rate is provided by the Actuarial Table:

(a) In which you have a share;

(b) That are grown on tree varieties that:

(1) Were commercially available when the trees were set out;

(2) Are adapted to the area; and

(3) Are grown on a root stock that is adapted to the area;

(c) That are grown in an orchard that, if inspected, are considered acceptable by us;

(d) On acreage where at least 90 percent of the trees have reached at least the ninth growing season after being set out, unless we agree in writing to insure trees not meeting this requirement; and

(e) That are in a unit that consists of at least five acres, unless we agree in writing to insure a smaller unit.

7. Insurable Acreage

In lieu of the provisions in section 9 (Insurable Acreage) of the Basic Provisions (§ 457.8), that prohibit insurance attaching to a crop planted with another crop, walnuts interplanted with another perennial crop are insurable unless we inspect the acreage and determine that it does not meet the requirements contained in your policy.

8. Insurance Period

(a) In accordance with the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8):

(1) Coverage begins on February 1 of each crop year, except that for the year of application, if your application is received after January 22, but prior to February 1, insurance will attach on the 10th day after your properly completed application is received in our local office, unless we inspect the acreage during the 10 day period and determine that it does not meet insurability requirements. You must provide any information that we require for the crop or to determine the condition of the orchard.

(2) The calendar date for the end of the insurance period for each crop year is November 15.

(b) In addition to the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8):

(1) If you acquire an insurable share in any insurable acreage after coverage begins but on or before the acreage reporting date for the crop year, and after an inspection we consider the acreage acceptable, insurance will be considered to have attached to such acreage on the calendar date for the beginning of the insurance period. Acreage acquired after the acreage reporting date will not be insured.

(2) If you relinquish your insurable share on any insurable acreage of walnuts on or before the acreage reporting date for the crop year, insurance will not be considered to have attached to, and no premium or indemnity will be due for such acreage for that crop year unless:

(i) A transfer of coverage and right to an indemnity, or a similar form approved by us, is completed by all affected parties;

(ii) We are notified by you or the transferee in writing of such transfer on or before the acreage reporting date; and

(iii) The transferee is eligible for crop insurance.

9. Causes of Loss

(a) In accordance with the provisions of section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), insurance is provided only against the following causes of loss that occur during the insurance period:

(1) Adverse weather conditions;

(2) Fire, unless weeds and undergrowth have not been controlled or pruning debris has not been removed from the orchard;

(3) Insects, but not damage due to insufficient or improper application of pest control measures;

(4) Plant disease, but not damage due to insufficient or improper application of disease control measures;

(5) Wildlife;

(6) Earthquake;

(7) Volcanic eruption; or

(8) Failure of irrigation water supply, if caused by an insured peril that occurs during the insurance period.

(b) In addition to the causes of loss excluded in section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), we will not insure against any damage or loss of production due to the inability to market the walnuts for any reason other than actual physical damage to the walnuts from an insurable cause specified in this section. For example, we will not pay you an indemnity if you are unable to market due to quarantine, boycott, or refusal of any person to accept production.

10. Duties in the Event of Damage or Loss

In addition to the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), if you intend to claim an indemnity on any unit, you must notify us prior to the beginning of harvest so that we may inspect the damaged production. You must not sell or dispose of the damaged crop until after we have given you written consent to do so. If you fail to meet the requirements of this section, all such production will be considered undamaged and included as production to count.

11. Settlement of Claim

(a) We will determine your loss on a unit basis. In the event you are unable to provide separate acceptable production records:

(1) For any optional units, we will combine all optional units for which such production records were not provided; or

(2) For any basic units, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for the units.

(b) In the event of loss or damage covered by this policy, we will settle your claim by:

(1) Multiplying the insured acreage by the respective production guarantee;

(2) Multiplying each result in section 11(b)(1) by the respective price election for each variety or varietal group;

(3) Totaling the results in section 11(b)(2);

(4) Multiplying the total production to be counted of each variety or varietal group, if applicable, (see section 11(c)) by the respective price election;

(5) Totaling the results in section 11(b)(4);

(6) Subtracting the result in section 11(b)(5) from the result in section 11(b)(3); and

(7) Multiplying the result in section 11(b)(6) by your share.

(c) The total production to count (whole in-shell pounds) from all insurable acreage on the unit will include:

(1) All appraised production as follows:

(i) Not less than the production guarantee per acre for acreage:

(A) That is abandoned;

(B) That is damaged solely by uninsured causes; or

(C) For which you fail to provide acceptable production records;

(ii) Production lost due to uninsured causes;

(iii) Unharvested production; and

(iv) Potential production on insured acreage that you intend to abandon or no longer care for, if you and we agree on the appraised amount of production. Upon such agreement, the insurance period for that acreage will end. If you do not agree with our appraisal, we may defer the claim only if you agree to continue to care for the crop. We will then make another appraisal when you notify us of further damage or that harvest is general in the area unless you harvested the crop, in which case we will use the harvested production. If you do not continue to care for the crop, our appraisal made prior to deferring the claim will be used to determine the production to count; and

(2) All harvested production from the insurable acreage.

(d) Mature walnut production damaged due to an insurable cause of loss which occurs within the insurance period may be adjusted for quality based on an inspection by the Dried Fruit Association or as determined by us. Walnut production that has mold damage greater than 8 percent, based on the net delivered weight, will be reduced by the factor contained in the Special Provisions. Walnut production that has mold damage greater than 30 percent, based on the net delivered weight, will not be considered as production to count unless such production is sold. If such production is sold, the total amount received for the production will be divided by the maximum available price election to establish the amount of production to count.

12. Written Agreements

Designated terms of this policy may be altered by written agreement in accordance with the following:

(a) You must apply in writing for each written agreement no later than the sales closing date, except as provided in section 12(e);

(b) The application for a written agreement must contain all variable terms of the contract between you and us that will be in effect if the written agreement is not approved;

(c) If approved, the written agreement will include all variable terms of the contract, including, but not limited to, crop type or variety, the guarantee, premium rate, and price election;

(d) Each written agreement will only be valid for one year (If the written agreement is not specifically renewed the following year, insurance coverage for subsequent crop years will be in accordance with the printed policy); and

(e) An application for a written agreement submitted after the sales closing date may be approved if, after a physical inspection of the acreage, it is determined that no loss has occurred and the crop is insurable in

accordance with the policy and written agreement provisions.

Signed in Washington, D.C., on April 17, 1997.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 97–10676 Filed 4–24–97; 8:45 am]

BILLING CODE 3410–FA–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 304, 308, 310, 327, 381, 416, and 417

[Docket 97–029N]

Equivalency Determinations for Sanitation Standard Operating Procedures (SSOPs) and Escherichia coli (E. coli) Testing for Countries Exporting to the United States

AGENCY: Food Safety and Inspection Service, USDA

ACTION: Notice of meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) will hold a meeting to discuss its approach to equivalency determinations with regard to written Sanitation Standard Operating Procedures (SSOPs) and Escherichia coli (E. coli) testing with representatives of countries eligible to export meat and poultry products to the United States, constituent groups, and other interested parties. The SSOPs and E. coli testing requirements became effective on January 27, 1997, pursuant to FSIS' final rule, ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems,'' which was published on July 25, 1996.

DATES: The meeting will be held from 8:00 a.m. to 12:00 noon on May 13, 1997. Participants will be registered and materials will be distributed before the meeting convenes.

ADDRESSES: The meeting will be held in Galleries 2 and 3 of the Arlington Hilton Hotel, 950 North Stafford Street, Arlington, VA 22203.

FOR FURTHER INFORMATION CONTACT: For general information about the conference, call (703) 812–6299 for international calls, and (202) 501–7315 for domestic calls, or FAX (202) 501–7642. For technical information about the meeting, contact Ms. Sally Stratmoen at (202) 720–3781. If you require a sign language interpreter or other special accommodations, contact Ms. Mary Harris at (202) 501–7315 by May 6.

SUPPLEMENTARY INFORMATION: The Federal Meat Inspection Act and the Poultry Products Inspection Act require that foreign countries wishing to export meat and poultry products to the United States have inspection system controls ''equivalent to'' those of the United States. The purpose of this meeting is to describe for and discuss with all interested persons the policy FSIS will follow in examining foreign inspection systems and making the required ''equivalency'' determination in light of the SSOPs and E. coli testing requirements that became effective on January 27, 1997, pursuant to the HACCP rule (61 FR 38806).

Done at Washington, DC, on April 18, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97–10680 Filed 4–24–97; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–180–AD; Amendment 39–10001; AD 97–09–05]

RIN 2120–AA64

Airworthiness Directives; Raytheon Model BAe 125–1000A and Model Hawker 1000 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all Raytheon Model BAe 125–1000A and Model Hawker 1000 series airplanes, that requires various modifications to increase the size of certain existing pressure venting areas and to add additional venting areas. This amendment is prompted by results of a design review of the requirements for certification of the cabin pressurization system. The actions specified by this AD are intended to prevent inadequate venting of cabin pressure in the event of rapid decompression, which could cause failure or deformation of certain structural members, and consequent reduced controllability of the airplane.

DATES: Effective May 30, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 30, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Raytheon Model BAe 125–1000A and Model Hawker 1000 series airplanes was published in the **Federal Register** on February 12, 1997 (62 FR 6504). That action proposed to require:

1. Installing a pressure relief flap in the rear luggage compartment of the bulkhead at frame 19;

2. Enlarging two lightening holes and adding one new lightening hole in the rail web of the right seat between frames 10B and 10D, and removing fiberglass fill from the right support structure between frame 8 and frame 10B; and

3. Installing two new vent holes in the underfloor diaphragm of frame 10D (right hand).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 31 Model BAe 125–1000A and Model Hawker 1000 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 44 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $81,840, or $2,640 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and

that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–09–05 Raytheon Aircraft Company (Formerly Beech, Raytheon Corporate Jets, British Aerospace, Hawker Siddeley, et al): Amendment 39–10001. Docket 96–NM–180–AD.

Applicability: All Model BAe 125–1000A and Model Hawker 1000 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: Raytheon Model BAe 125–1000B series airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which Model BAe 125–1000B series airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent inadequate venting of cabin pressure in the event of rapid decompression, which could cause failure or deformation of certain structural members, and consequent reduced controllability of the airplane, accomplish the following:

(a) Within 8 months after the effective date of this AD, accomplish the requirements of paragraphs (a)(1), (a)(2), and (a)(3) of this AD.

Note 3: The manufacturer has advised that the modifications required by paragraph (a)(2) and (a)(3) of this AD should be incorporated concurrently.

(1) Install a pressure relief flap in the rear luggage compartment of the bulkhead at frame 19 (Modification No. 25A683C), in accordance with Raytheon Service Bulletin SB.21–151–25A683C, dated July 12, 1994.

(2) Enlarge two lightening holes, and add one new lightening hole in the rail web of the right-hand seat between frames 10B and 10D, and remove the fiberglass infill cover located outboard of the floor panels between frame 8 and frame 10B (Modification SB.253661B), in accordance with Raytheon Service Bulletin SB.53–81–3661B, dated February 25, 1994.

(3) Install two new vent holes in the underfloor diaphragm of frame 10D (Modification 253627A), in accordance with Raytheon Service Bulletin SB.53–76–3627A, dated February 25, 1994.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Raytheon Service Bulletin SB.21–151–25A683C, dated July 12, 1994; Raytheon Service Bulletin SB.53–81–3661B, dated February 25, 1994; and Raytheon Service Bulletin SB.53–76–3627A, dated February 25, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 30, 1997.

Issued in Renton, Washington, on April 17, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–10564 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–ANE–14; Amendment 39–9997; AD 97–09–01]

RIN 2120–AA64

Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Pratt & Whitney PW2000 series turbofan engines. This action requires initial and repetitive inspections for cracks in the forward face of the first stage high pressure turbine (HPT) disks at the base of the fir tree lug at the outer diameter (OD) snap fillet radius where the side plates mate with the disk, and rework to the first stage HPT disk. Additionally, this AD establishes a new, reduced cyclic life limit for certain disks. This amendment

is prompted by reports of two uncontained disk failures resulting from a fir tree lug fracturing, subsequently releasing two blades and a fir tree lug, which penetrated the engine HPT turbine case. The actions specified in this AD are intended to prevent fracture of the first stage HPT disk, resulting in a possible uncontained engine failure and damage to the aircraft.

DATES: Effective May 12, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 12, 1997.

Comments for inclusion in the Rules Docket must be received on or before June 24, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, Attention: Rules Docket No. 97–ANE–14, 12 New England Executive Park, Burlington, MA 01803–5299. Comments may also be sent via the Internet using the following address: ''9__ad__engineprop@faa.dot.gov''. Comments sent via the Internet must contain the docket number in the subject line.

The service information referenced in this AD may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. This information may be examined at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John Fisher, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803–5299; telephone (617) 238–7149, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: The FAA has received reports of two fractured first stage high pressure turbine (HPT) disks on Pratt & Whitney (PW) PW2000 series turbofan engines. The investigation revealed higher than expected stresses in an area known as the forward face of the first stage HPT disk at the base of the fir tree lug at the outer diameter (OD) snap fillet radius where the side plates mate with the disk. The FAA has determined that this snap fillet radius cannot be adequately inspected utilizing the prior method of fluorescent penetrant inspection, due to features on the disk that obstruct the view of the snap fillet radius. Pratt & Whitney has subsequently developed an eddy current inspection (ECI) probe which fits snugly into the snap fillet radius area for significantly improved crack detectability. In addition, the FAA has determined that the cracks form prior to the currently published disk cyclic life limit. This condition, if not corrected, could result in fracture of the first stage HPT disk, resulting in a possible uncontained engine failure and damage to the aircraft.

The FAA has reviewed and approved the technical contents of PW Service Bulletin (SB) No. PW2000 72–588, Revision 1, dated March 31, 1997, that describes procedures for inspections for cracks in the forward face of the first stage HPT disk at the base of the fir tree lug at the OD snap fillet radius where the side plates mate with the disk utilizing an eddy current inspection technique, and PW Alert Service Bulletin (ASB) No. PW2000 A72–592, dated March 18, 1997, that describes procedures for rework to the forward and aft faces of the first stage HPT disk OD snap fillet radii at the base of the fir tree lug.

Since an unsafe condition has been identified that is likely to exist or develop on other engines of the same type design, this AD is being issued to prevent a possible uncontained engine failure. The disks were manufactured using different types of materials and processing, and are identified by serial numbers. This AD requires initial and repetitive ECI for cracks in the forward face of the first stage HPT disk at the base of the fir tree lug at the OD snap fillet radius where the side plates mate with the disk. The AD also requires rework, consisting of removing material and increasing the radius of both the forward and rear face of the disk at the base of the fir tree lug where the side plates mate with the disk, and reidentification of reworked parts. In addition, this AD establishes a new, reduced cyclic life limit for disks that have been reworked prior to 5,000 cycles in service since new (CSN). Accomplishing the rework lowers stresses and assures that disks that are reworked after 5,000 CSN can reach the full published cyclic life limit. Currently there is no terminating action available to the inspection requirements of this AD. The actions are required to be accomplished in accordance with the SB and ASB described previously.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–ANE–14.'' The postcard will be date stamped and returned to the commenter.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26,

1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [AMENDED]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–09–01 Pratt & Whitney: Amendment 39–9997. Docket 97–ANE–14.

Applicability: Pratt & Whitney (PW) PW2000 series turbofan engines, installed on but not limited to Boeing 757 series, Ilyushin IL–96 series, and McDonnell Douglas Model C–17 (military) aircraft.

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (k) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent fracture of the first stage high pressure turbine (HPT) disk, resulting in a possible uncontained engine failure and damage to the aircraft, accomplish the following:

(a) Prior to further flight, for first stage HPT disks that are accessible in the shop, as defined in paragraph (j)(2) of this AD, on the effective date of this AD, perform eddy current inspections (ECI) of the first stage HPT disks for cracks in the forward face of the disk at the base of the fir tree lug at the outer diameter (OD) snap fillet radius where the side plates mate with the disk, in accordance with the Accomplishment Instructions of PW Service Bulletin (SB) No. PW2000 72–588, Revision 1, dated March 31, 1997, or Original, dated February 17, 1997.

(b) For first stage HPT disks that are identified by serial number (S/N) in Table 1 of this AD, rework the forward and aft faces of the first stage HPT disk OD snap fillet radii at the base of the fir tree lug in accordance with PW Alert Service Bulletin (ASB) No. PW2000 A72–592, dated March 18, 1997, as follows:

TABLE 1

S/N			
N54398	N54399	N54400	N54401
N54402	N54403	N54404	N54405
N54406	N54407	N54408	N54409
N54410	N54411	N54412	N54413
N54414	N54415	N54416	N54417
N54418	N54419	N55114	N55115
N55116	N55117	P00624	P00625
P00626	P00627	P00628	P00788
P00812	P00813	P00814	P00815
P00816	P00817	P00818	P00986
P00987	P01018	P01457	P36249
P36250	P36251	P36252	P36253
P36254	P36255	P36256	P36258
P36259	P36306	P36307	P36308
P36309	P36310	P36311	P36312
P36378	P36634	P36636	P36637
P36638	P36639	P36805	P36806
P37113	P37114	P37115	P37116
P37117	P37118	P37324	P37325
P37326	P37327	P37328	P37348
P37349	P37351	P37352	P37353
P37354	P90203	P90204	P90205
P90206	P90207	P90208	P90209
P90210	P90211	P90212	P90385
P90386	P90387	P90388	P90389
P90390	P91685	P91686	P91687
P91688	P91854	P91855	P91856
P91857	P91867	P91931	P91932
P91933	P91934	P91935	R28552
R28553	R28554	R28555	R28612
R28613	R28614	R28615	R28617
R28618	R28680	R28681	R28682
R28683	R28684	R28685	R28686
R28687	R28711	R28712	R28713
R28714	R28715	R28716	R28718
R28719	R28720	R28752	R28753
R28755	R28756	R28757	R28758
R28761	R28800	R28801	R28802
R28803	R28804	R28805	R28806
R28807	R28808	R28809	R28810
R28811	R28812	R28813	R28847
R28848	R28901	R28903	R28904
R28905	R28906	R28907	R28908
R28909	R28913	R28914	R28915
R28933	R28934	R28935	R28936
R28937	R28951	R28952	R28953
R28954	R28955	R28956	S16633
S16634	S16636	S16637	S16638
S16639	S16641	S16642	S16643
S16645	S16646	S16647	S16648
S16649	S16650	S16651	S16652
S16654	S16655	S16656	S16657
S16658	S16659	S16660	S16661
S16662	S16663	S16664	S16665
S16666	S16667	S16668	S16669
S16670	S16671	S16672	S16673
S16674	S16675	S16676	S16677
S16678	S16679	S16680	S16681
S16682	S16683	S16684	S16685
S16687	S16688	S16689	S16690
S16691	S16692	S16693	S16694
S16695	S16697	S16698	S16699
S16700	S16701	S16702	S16703
S16705	S16707	S16708	S16709
S16710	S16712	S16713	S16715
S16716	S16717	S16718	S16719
S16720	S16721	S16723	S16724
S16725	S16727	S16728	S16730
S16731	S16732	S16733	S16735
S16738	S16739	S16741	S16742
S16743	S16744	S16745	S16746
S16747	S16748	S16749	S16750
S16751	S16752	S16753	S16756
S16757	S16758	S16760	S16761
S16762	S16763	S16765	S16766
S16768	S16769	S16772	S16773
S16774	S16775	S16776	S16777
S16778	S16780	S16782	S16783
S16784	S16786	S16787	S16789
S16790	S16792	S16793	S16795
S16798	S16800	S16802	S16803
S16804	S16805	S16806	S16807
S16808	S16810	S16811	S16814
S16815	S16816	S16818	S16819
S16821	S16822	S16824	S16825
S16827	S16829	S16831	S16832

(1) For disks that have accumulated 10,000 or more cycles since new (CSN) on the effective date of this AD, inspect and rework within 1,600 cycles in service (CIS) after the effective date of this AD.

(2) For disks that have accumulated less than 10,000 CSN on the effective date of this AD, inspect and rework at the next shop visit, or 11,600 CSN, whichever occurs first.

(c) For first stage HPT disks that are identified by S/N in Table 2 of this AD, rework the forward and aft faces of the first stage HPT disk OD snap fillet radii at the base of the fir tree lug in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997, as follows:

TABLE 2

S/N			
M43410	M43411	M68250	M68251
M68252	M68253	M68254	M68255
M68256	M68344	M68345	M68346
M68347	M68348	M68349	M68350
M68536	M68537	M68538	M68539
M68540	M68541	M68696	M68697
M68698	M68699	M68700	M68701
M68702	M68703	M68915	M68916
M68917	M68918	M68919	M68997
M68998	M69000	M69001	M85382
M85383	M85384	M85385	M85386
M85387	N09764	N09765	N09766
N09767	N09768	N09769	N09770
N09771	N09772	N09773	N09774
N09775	N09776	N09777	N09778
N11389	N11390	N11391	N11392
N11393	N11394	N11395	N11396
N11397	N11398	N11399	N11400
N11401	N11402	N11403	N11404
N11405	N11406	N11407	N12830
N12831	N12832	N12833	N12834
N12835	N12836	N12838	N12839
N12840	N12841	N12842	N12843

TABLE 2—Continued

N12844	N12845	N12846	N12847
N12848	N54390	N54391	N54392
N54393	N54395	N54396	N54397

(1) For disks that have accumulated 7,000 or more CSN on the effective date of this AD, inspect and rework within 800 CIS after the effective date of this AD.

(2) For disks that have accumulated less than 7,000 CSN on the effective date of this AD, inspect and rework at the next shop visit, or 7,800 CSN, whichever occurs first.

(d) For first stage HPT disks that are identified by S/N in Table 3 of this AD, rework the forward and aft faces of the first stage HPT disk OD snap fillet radii at the base of the fir tree lug in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997, as follows:

TABLE 3

D301AA0002	D301AA0003	D301AA0004
D301AA0005	D301AA0006	D301AA0008
D301AA0009	D301AA0010	D301AA0011
D301AA0013	D301AA0015	D301AA0018
D301AA0019	D301AA0020	D301AA0021
D301AA0022	D301AA0023	D301AA0024
D301AA0025	D301AA0027	D301AA0028
D301AA0029	D301AA0031	D301AA0032
D301AA0033	D301AA0034	D301AA0035
D301AA0038	D301AA0039	D301AA0040
D301AA0041	D301AA0042	D301AA0044
D301AA0045	D301AA0046	D301AA0047
D301AA0048	D301AA0049	D301AA0050
D301AA0051	D301AA0052	D301AA0053
D301AA0054	D301AA0055	D301AA0056
D301AA0057	D301AA0059	D301AA0061
D301AA0062	D301AA0064	D301AA0065
D301AA0066	D301AA0067	D301AA0068
D301AA0069	D301AA0070	D301AA0071
D301AA0072	D301AA0074	D301AA0075
D301AA0077	D301AA0080	D301AA0081
D301AA0082	D301AA0083	D301AA0084
D301AA0085	D301AA0086	D301AA0087
D301AA0088	D301AA0089	D301AA0090
D301AA0091	D301AA0092	D301AA0093
D301AA0094	D301AA0095	D301AA0096
D301AA0098	D301AA0101	D301AA0102
D301AA0103	D301AA0104	D301AA0105
D301AA0106	D301AA0107	D301AA0108
D301AA0110	D301AA0111	D301AA0114
D301AA0118	D301AA0121	D301AA0123
D301AA0124	D301AA0125	D301AA0127
D301AA0129	D301AA0130	D301AA0131
D301AA0132	D301AA0133	D301AA0135
D301AA0137	D301AA0138	D301AA0140
D301AA0141	D301AA0144	D301AA0145
D301AA0146	D301AA0147	D301AA0148
D301AA0149	D301AA0150	D301AA0151
D301AA0152	D301AA0154	D301AA0156
D301AA0157	D301AA0159	D301AA0161
D301AA0163	D301AA0164	D301AA0165
D301AA0166	D301AA0167	D301AA0171
D301AA0174	D301AA0175	D301AA0177
D301AA0179	D301AA0180	D301AA0182
D301AA0187	D301AA0189	D301AA0198
D301AA0201	D301AA0205	D301AA0358
D301AA0359	D301AA0360	D301AA0361
D301AA0362	D301AA0363	D301AA0364
D301AA0367	D301AA0368	D301AA0369
D301AA0370	D301AA0371	D301AA0372
D301AA0375	D301AA0376	D301AA0377
D301AA0379	D301AA0380	D301AA0381
D301AA0382	D301AA0383	D301AA0384
D301AA0386	D301AA0387	D301AA0388
D301AA0390	D301AA0391	D301AA0392
D301AA0393	D301AA0394	D301AA0395
D301AA0396	D301AA0399	D301AA0401
D301AA0402	D301AA0403	D301AA0404

TABLE 3—Continued

D301AA0406	D301AA0407	D301AA0408
D301AA0412	D301AA0414	D301AA0415
D301AA0416	D301AA0418	D301AA0419
D301AA0420	D301AA0421	D301AA0422
D301AA0423	D301AA0424	D301AA0425
D301AA0426	D301AA0427	D301AA0428
D301AA0431	D301AA0432	D301AA0434
D301AA0435	D301AA0437	D301AA0438
D301AA0439	D301AA0440	D301AA0443
D301AA0444	D301AA0445	D301AA0446
D301AA0447	D301AA0449	D301AA0450
DKLBA78421	DKLBA78423	DKLBA78427
DKLBA78429	DKLBA78431	DKLBA78432
DKLBA78433	DKLBA78434	DKLBA78435
DKLBA78436	DKLBA78437	DKLBA78438
DKLBA78439	DKLBA78441	DKLBA78442
DKLBA78443	DKLBA78444	DKLBA78446
DKLBA78448	DKLBA78449	DKLBA78453
DKLBA78454	DKLBA78455	DKLBA78456
DKLBA78457	DKLBA78458	DKLBA78459
DKLBA78465	DKLBA78467	DKLBA78468
DKLBA78469	DKLBA78472	DKLBA78475
DKLBA78482	DKLBA78483	DKLBA78484
DKLBA78485	DKLBA78486	DKLBA78487
DKLBA78488	DKLBA78489	DKLBA78490
DKLBA78491	DKLBA78492	DKLBA78493
DKLBA78496	DKLBA78497	DKLBA78498
DKLBA78500	DKLBA78502	DKLBA78503
DKLBA78504	DKLBA78505	DKLBA78506
DKLBA78507	DKLBA78508	DKLBA78509
DKLBA78510	DKLBA78512	DKLBA78514
DKLBA78515	DKLBA78517	DKLBA78518
DKLBA78519	DKLBA78520	DKLBA78521
DKLBA78522	DKLBA78524	DKLBA78525
DKLBA78526	DKLBA78527	DKLBA78528
DKLBA78529	DKLBA78530	DKLBA78531
DKLBA78533	DKLBA78534	DKLBA78536
DKLBA78537	DKLBA78538	DKLBA78540
DKLBA78541	DKLBA78542	DKLBA78543
DKLBA78544	DKLBA78545	DKLBA78550
DKLBA78551	DKLBA78552	DKLBA78553
DKLBA78554	DKLBA78557	DKLBA78558
DKLBA78559	DKLBA78560	DKLBA78561
DKLBA78562	DKLBA78564	DKLBA78568
DKLBA78569	DKLBA78575	DKLBA78577
DKLBA78578	DKLBA78579	DKLBA78580
DKLBA78581	DKLBA78582	DKLBA78584
DKLBA78585	DKLBA78587	DKLBA78589
DKLBA78590	DKLBA78593	DKLBA78594
DKLBA78596	DKLBA78598	DKLBA78600
DKLBA78601	DKLBA78603	DKLBA78604
DKLBA78605	DKLBA78606	DKLBA78607
DKLBA78609	DKLBA78610	DKLBA78611
DKLBA78613	DKLBA78614	DKLBA78615
DKLBA78616	DKLBA78617	DKLBA78618
DKLBA78620	DKLBA78622	DKLBA78625
DKLBA78627	DKLBA78628	DKLBA78632
DKLBA78633	DKLBA78635	DKLBA78636
DKLBA78638	DKLBA78639	DKLBA78640
DKLBA78642	DKLBA78644	DKLBA78645
DKLBA78646	DKLBA78648	DKLBA78649
DKLBA78650	DKLBA78651	DKLBA78652
DKLBA78653	DKLBA78654	DKLBA78655
DKLBA78656	DKLBA78657	DKLBA78658
DKLBA78660	DKLBA78661	DKLBAH8318
DKLBAH8319	DKLBAH8320	DKLBAH8321
DKLBAH8322	DKLBAH8323	DKLBAH8324
DKLBAH8325	DKLBAH8327	DKLBAH8328
DKLBAH8329	DKLBAH8330	DKLBAH8331
DKLBAH8332	DKLBAH8333	DKLBAH8336
DKLBAH8337	DKLBAH8339	DKLBAH8340
DKLBAH8343	DKLBAH8344	DKLBAH8346
DKLBAH8347	DKLBAH8348	DKLBAH8349
DKLBAH8350	DKLBAH8351	DKLBAH8352
DKLBAH8353	DKLBAH8354	DKLBAH8355
DKLBAH8356	DKLBAH8357	DKLBAH8360
DKLBAH8361	DKLBAH8362	DKLBAH8364
DKLBAH8365	DKLBAM0972	DKLBAM0973
L82270	L82271	L82272
L82356	L82649	L82650
L83308	L83309	L83310
L83311	L83312	M15709
M15710	M15718	M42710
M42711	M42768	M42769

TABLE 3—Continued

M42770	M42771	M43103
M43104	M43105	M43396
M43397	M43398	M43399
M43400	M43401	M43409

(1) For disks that have accumulated 7,000 or more CSN on the effective date of this AD, inspect and rework within 1,100 CIS after the effective date of this AD.

(2) For disks that have accumulated less than 7,000 CSN on the effective date of this AD, inspect and rework at the next shop visit, or 8,100 CSN, whichever occurs first.

(e) For disks that have previously been inspected in accordance with PW SB No. PW2000 72–588, Revision 1, dated March 31, 1997, or Original, dated February 17, 1997, but not reworked in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997, rework in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997, at the next shop visit when the part is accessible, as defined in paragraph (j)(2) of this AD, or 4,000 CIS since inspection in accordance with PW SB No. PW2000 72–588, Revision 1, dated March 31, 1997, or Original, dated February 17, 1997, whichever occurs first.

(f) Prior to further flight, remove and replace disks with cracks. Disks with cracks cannot be reworked.

(g) If reworked, reidentify the disk in accordance with the Accomplishment Instructions of PW ASB No. PW2000 A72–592, dated March 18, 1997.

(h) For all first stage HPT disks that have been reworked in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997, thereafter inspect in accordance with PW Temporary Revision 72–937, dated April 11, 1997, to Engine Manual, P/N 1A6231, Section 72–52–02, Inspection Check 04, at each subsequent shop visit when the disk is accessible, as defined in paragraph (j)(2) of this AD, not to exceed 6,000 CIS since last inspection.

(i) The following cyclic life limits apply to disks that are reworked in accordance with the Accomplishment Instructions of PW Alert Service Bulletin (ASB) No. PW2000 A72–592, dated March 18, 1997:

(1) Disks that have accumulated less than 5,000 CSN upon rework may accumulate an additional 10,000 CIS following rework, and then must be retired from service.

(2) Disks that have accumulated 5,000 CSN or more upon rework may remain in service to the full 15,000 CSN published life limit, and then must be retired from service.

(3) Except as provided in paragraph (k) of this AD, no alternative life limits may be approved for disks reworked in accordance with PW ASB No. PW2000 A72–592, dated March 18, 1997.

(j) For the purpose of this AD, the following definitions apply:

(1) A shop visit is defined as an engine removal where engine maintenance, prior to reinstalling the engine, entails separation of pairs of mating major engine flanges or the removal of a disk, hub, or spool.

(2) An accessible disk is defined as a disk that is in the shop, has been removed from the HPT module, separated from the rotor, and debladed.

(k) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Engine Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Engine Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Engine Certification Office.

(l) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the inspection and rework requirements of this AD can be accomplished.

(m) The actions required by this AD shall be done in accordance with the following PW service documents:

Document No.	Pages	Revision	Date
SB No. PW2000			
72–588	1	1	Mar. 31, 1997.
	2	Original	Feb. 17, 1997.
	3–12	1	Mar. 31, 1997.
NDIP–899	1–23	A	Mar. 25, 1997.
Total Pages: 35			
SB No. PW2000			
72–588	1–12	Original	Feb. 17, 1997.
NDIP–899	1–23	Original	Feb. 16, 1997.
SB No. PW2000			
72–588	38	Original	Feb. 17, 1997.
Total Pages: 36			
ASB No. PW2000			
A72–592	1–16	Original	Mar. 18, 1997.
Total Pages: 16			

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Pratt & Whitney, 400 Main St., East Hartford, CT 06108; telephone (860) 565–6600, fax (860) 565–4503. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(n) This amendment becomes effective on May 12, 1997.

Issued in Burlington, Massachusetts, on April 17, 1997.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97–10585 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–NM–73–AD; Amendment 39–10002; AD 97–09–06]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to all Boeing Model 757 series airplanes. This action requires repetitive inspections to detect damage of the tubes of the fire extinguishing and smoke detection systems, and duct support brackets of the auxiliary power unit (APU); and corrective actions, if necessary. This amendment is prompted by reports of incidents in which the tubes of the fire extinguishing and smoke detection systems chafed against the stiffener rings and support brackets of the pneumatic duct of the APU. The actions specified in this AD are intended to detect and correct such chafing, which could result in a hole in the tube of the fire extinguishing system and consequently, could prevent the proper distribution of the fire extinguishing agent within the aft cargo compartment in the event of a fire. Such chafing also could result in a hole in the smoke detection system, which could result in the delay of detection of a fire in the aft cargo compartment.

DATES: Effective May 15, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 12, 1997.

Comments for inclusion in the Rules Docket must be received on or before June 24, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 97–NM–73–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Clayton R. Morris, Jr., Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2794; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: The FAA has received several reports of incidents in which the tubes of the fire extinguishing and smoke detection systems of the aft cargo compartment chafed against the stiffener rings and support brackets of the pneumatic duct of the auxiliary power unit (APU). These incidents occurred on Boeing Model 757 series airplanes. Investigation revealed that thermal growth of the pneumatic duct of the APU caused the stiffener rings to contact the tubes. Such thermal growth also can cause a stiffener ring to contact a support bracket of the pneumatic duct of the APU, which could eventually break the support bracket. A broken support bracket could chafe the tubes of the fire extinguishing and smoke detection systems of the aft cargo compartment. Chafing of the subject tubes could eventually create a hole in the tubes.

Unsafe Conditions

A hole in the tubes of the fire extinguishing system, if not detected and corrected, could prevent the proper distribution of the fire extinguishing agent within the aft cargo compartment in the event of a fire. In addition, such a hole could release the fire extinguishing agent outside of the aft cargo compartment, which could migrate through the return air grilles in the passenger cabin. Localized hazardous concentrations of a fire extinguishing agent could cause deleterious physiological effects on the passengers and crew.

Additionally, a hole in the tubes of the smoke detection system, if not detected and corrected, could result in the delay of detection of a fire in the aft cargo compartment.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 757–26A0040, dated March 27, 1997. The alert service bulletin describes procedures for repetitive detailed visual inspections to detect damage of the tubes of the fire extinguishing and smoke detection systems, and support brackets of the pneumatic duct of the APU. The alert service bulletin also describes procedures for replacing, repairing, or splicing (as applicable) any damaged part.

Explanation of the Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other Boeing Model 757 series airplanes of the same type design, this AD is being issued to detect and correct chafing of the tubes of the fire extinguishing and smoke detection systems. Such chafing could result in a hole in a tube of the fire extinguishing system, and consequently prevent the proper distribution of the fire extinguishing agent within the aft cargo compartment in the event of a fire. Such chafing also could result in a hole in a tube of the smoke detection system, which could result in the delay of detection of a fire in the aft cargo compartment. This AD requires repetitive detailed visual inspections to detect damage of the tubes of the fire extinguishing and smoke detection systems, and support brackets of the pneumatic duct of the APU; and corrective actions, if necessary. The actions are required to be accomplished in accordance with the alert service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES.** All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 97–NM–73–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–09–06 Boeing: Amendment 39–10002. Docket 97–NM–73–AD.

Applicability: All Model 757 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct chafing of the tubes of the fire extinguishing and smoke detection systems, which could prevent the proper distribution of the fire extinguishing agent within the aft cargo compartment in the event of a fire, or could result in the delay of detection of a fire in the aft cargo compartment, accomplish the following:

(a) Prior to the accumulation of 10,000 flight hours, or within 60 days after the effective date of this AD, whichever occurs later, accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD, in accordance with Boeing Alert Service Bulletin 757–26A0040, dated March 27, 1997. Repeat all inspections thereafter at intervals not to exceed 10,000 flight hours.

(1) Perform a detailed visual inspection to detect damage of the tubes of the fire extinguishing system between stations 1300 and 1580, as applicable, in accordance with the alert service bulletin. If any damaged tube is detected, prior to further flight, repair or replace it with a new tube, in accordance with the alert service bulletin.

(2) Perform a detailed visual inspection to detect damage of the tubes of the smoke detection system between stations 1300 and 1580, in accordance with the alert service bulletin.

(i) If any damage is detected, and the damage is within the limits specified in the alert service bulletin, prior to further flight, repair it in accordance with the alert service bulletin.

(ii) If any damage is detected, and the damage is outside the limits specified in the alert service bulletin, prior to further flight, splice any damaged tube or replace it with a new tube, in accordance with the alert service bulletin.

(3) Perform a detailed visual inspection to detect damage of the support brackets of the pneumatic duct of the auxiliary power unit (APU) at stations 1380, 1460, and 1540, in accordance with the alert service bulletin. If any damage is detected, prior to further flight, repair any damaged duct support bracket, or replace it with a new duct support bracket, in accordance with the alert service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The actions shall be done in accordance with Boeing Alert Service Bulletin 757–26A0040, dated March 27, 1997. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 12, 1997.

Issued in Renton, Washington, on April 18, 1997.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–10661 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–ANE–25; Amendment 39–9979; AD 97–07–05]

RIN 2120–AA64

Airworthiness Directives; AlliedSignal Inc. T5311, T5313, T5317, and T53 (Military) Series Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to AlliedSignal Inc. (formerly Textron Lycoming) T5311, T5313, T5317, and T53 series military engines approved for installation on aircraft certified in accordance with Section 21.25 of the Federal Aviation Regulations (FAR), that requires removal and replacement of the N2 spur gear nut retainer (lock cup). This amendment is prompted by reports of N2 spur gear nut retainer (lock cup) separation. The actions specified by this AD are intended to prevent N2 accessory drive assembly disengagement due to N2 spur gear nut retainer (lock cup) separation, which could result in an uncommanded engine acceleration.

DATES: Effective June 24, 1997.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 24, 1997.

ADDRESSES: The service information referenced in this AD may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Raymond Vakili, Aerospace Engineer, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Blvd., Lakewood, CA 90712–4137; telephone (310) 627–5262; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to AlliedSignal Inc. (formerly Textron Lycoming) T5311, T5313, T5317, and T53 series military engines approved for installation on aircraft certified in accordance with Section 21.25 of the Federal Aviation Regulations (FAR) was published in the **Federal Register** on November 13, 1996 (61 FR 58148). That action proposed to require removal and replacement of the N2 spur gear nut retainer (lock cup) with a more durable machined lock cup.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

The commenter (the manufacturer) states that the total time for access and replacement of the affected part should be changed from 3 hours to 16 hours to reflect access, removal, replacement, and closing. The FAA concurs and has revised the economic analysis of this final rule accordingly.

Since issuance of the NPRM, the manufacturer has issued Revision 1, dated October 25, 1996, of AlliedSignal Engines Service Bulletin (SB) No. T53–L–13B–0082, and SB No. T53–L–703–0084. This final rule AD references these later revisions.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

There are approximately 450 (excluding military) engines of the affected design in the worldwide fleet. The FAA estimates that 125 (excluding military) engines installed on aircraft of U.S. registry will be affected by this AD,

that it will take approximately 16 work hours per engine to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $75 per engine. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $129,375.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

97–07–05 AlliedSignal Inc.: Amendment 39–9979. Docket 96–ANE–25.

Applicability: AlliedSignal Inc. (formerly Textron Lycoming) T5311, T5313, T5317, and T53 (military) series turboshaft engines, installed on but not limited to Bell Helicopter Textron 209, 205, and 204 series, and Kaman K–1200 series aircraft, and the following military aircraft: Bell Helicopter Textron AH–1 and UH–1, and Grumman OV–1 (turboprop installation), certified in accordance with Section 21.25 or 21.27 of the Federal Aviation Regulations (FAR).

Note 1: This airworthiness directive (AD) applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent N2 accessory drive assembly disengagement due to N2 spur gear nut retainer (lock cup) separation, which could result in an uncommanded engine acceleration, accomplish the following:

(a) Within 300 hours time in service, or 2 years after the effective date of this AD, whichever occurs first, remove from service N2 spur gear nut retainers (lock cups), Part Number (P/N) 1–070–066–01, and replace with N2 spur gear nut retainers P/Ns 1–070–066–02 or 1–070–066–03, in accordance with the following applicable AlliedSignal Aerospace Service Bulletins (SBs):

(1) For retainers installed on T5311 and T53–L–11 (military) series engines, in accordance with SB No. T5311/T53–L–11–0080, dated May 28, 1996.

(2) For retainers installed on T5313B and T5317 series engines, in accordance with SB No. T5313B/T5317–0081, Revision 1, dated May 28, 1996.

(3) For retainers installed on T53–L–13B/SSA/SSB (military) series engines, in accordance with SB No. T53–L–13B–0082, Revision 1, dated October 25, 1996.

(4) For retainers installed on T53–L–13B/SSD (military) series engines, in accordance with SB No. T53–L–13B/D–0083, dated May 28, 1996.

(5) For retainers installed on T53–L–703 (military) series engines, in accordance with SB No. T53–L–703–0084, Revision 1, dated October 25, 1996.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office. The request should be forwarded through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the Los Angeles Aircraft Certification Office.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(d) The actions required by this AD shall be done in accordance with the following AlliedSignal Engines SBs:

Document No.	Pages	Revision	Date
T5311/T53–L–11–0080 ..... Total Pages: 4.	1–4	Original	May 28, 1996.
T5313B/T5317–0081 ..... Total Pages: 4.	1–4	1	May 28, 1996.
T53–L–13B–0082 ..... Total Pages: 4.	1–4	1	October 25, 1996.
T53–L–13B/D–0083 ..... Total Pages: 4.	1–4	Original	May 28, 1996.
T53–L–703–0084 ..... Total Pages: 4.	1–4	1	October 25, 1996.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from AlliedSignal Aerospace, Attn: Data Distribution, M/S 64–3/2101–201, P.O. Box 29003, Phoenix, AZ 85038–9003; telephone (602) 365–2493, fax (602) 365–5577. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

(e) This amendment becomes effective on June 24, 1997.

Issued in Burlington, Massachusetts, on April 8, 1997.

Jay J. Pardee,

Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 97–10766 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD–05–97–004]

RIN 2115–AE46

Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, VA

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending permanent special local regulations for the Crawford Bay Crew Classic, a marine event held annually in the Southern Branch, Elizabeth River, Portsmouth, Virginia, by changing the dates on which the regulations are in effect. This rule updates the regulation in order to enhance the safety of life and property during the event.

DATES: This final rule is effective on April 25, 1997.

FOR FURTHER INFORMATION CONTACT: S.L. Phillips, Project Manager, Search and Rescue Branch, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Regulatory History

On February 21, 1997, the Coast Guard published a notice of proposed rulemaking entitled Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, Virginia, in the **Federal Register** (62 FR 7970). The Coast Guard received no comments on the proposed rulemaking. No public hearing was requested, and none was held.

Ports Events, Inc., the sponsor of the Crawford Bay Crew Classic, requested to change the dates of this annual event from the third Friday and Saturday in March to the fourth Friday and Saturday in April to conduct the event in warmer weather conditions. To enhance the safety of participants, spectators, and transiting vessels, special local regulations are necessary to control vessel traffic during the event. This rule updates the regulations to reflect the new dates of the event.

Discussion of Comments and Changes

The Coast Guard received no comments on the proposed rulemaking. Therefore, the proposed rule is being implemented without change.

Good Cause Statement

This final rule is effective in less than 30 days because it is contrary to the public interest to delay the effective date because action is required to protect vessel traffic and event participants during the event.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This rule merely changes the effective date of an existing regulation and does not impose any new restrictions on vessel traffic.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. ''Small entities'' include independently owned and operated small businesses that are not dominant in their field and that otherwise qualify as ''small business concerns'' under section 3 of the Small Business Act (15 U.S.C. 632). This rule does not impose any new restrictions on vessel traffic, but merely changes effective dates of a regulation. Therefore, the Coast Guard certifies under Section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under section 2.b.2.e(34)(h) of Commandant Instruction M16475.1b (as amended, 61 FR 13564; 27 March 1996), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

Marine Safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 100 as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46.

2. Section 100.523 is amended by revising paragraph (c) to read as follows:

§ 100.523 Southern Branch, Elizabeth River, Portsmouth, Virginia.

* * * * *

(c) *Effective periods.* This regulation will be effective on the fourth Friday of April and on the fourth Saturday of April, unless otherwise specified in the Coast Guard Local Notice to Mariners and a **Federal Register** notice.

Dated: April 11, 1997.

Kent H. Williams,

Vice Admiral, U.S. Coast Guard, Commander Fifth Coast Guard District.

[FR Doc. 97–10732 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD05–97–011]

RIN 2115–AA97

Safety Zone; Potomac River, Point Lookout to Hull Neck

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone across the mouth of the Potomac River. The safety zone is more specifically defined as that portion of the Potomac River included within a boundary

beginning at Cornfield Harbor dayboard Number 1, thence southwest to the entrance to Hull Creek; thence east southeast along the shoreline to the entrance to Cubitt Creek; thence northeast to Point Lookout Lighthouse; thence northwest to Cornfield Harbor dayboard Number 1. The safety zone is needed to protect swimmers participating in the Potomac River Swim from vessel traffic and its wake. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

DATES: This temporary regulation is effective from 6 a.m. to 3 p.m. on May 31, 1997.

FOR FURTHER INFORMATION CONTACT: Lieutenant James Driscoll, Marine Event Coordinator, Activities Baltimore, 2401 Hawkins Point Rd., Baltimore, Maryland, 21226–1791, telephone number (410) 576–2676.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of effective date would be contrary to the public interest because immediate action is necessary to control anticipated spectator craft and to provide for the safety of life and property on navigable waters during the event.

Discussion of the Regulation

The Potomac River Swim Inc. submitted an application to hold The Potomac River Swim on May 31, 1997. During past events, Coast Guard patrol boats were provided to protect swimmers and escort vessels. Wind, wave and weather conditions permitting, the swimming event will begin at Hull Neck at 8:30 a.m., and will finish at the Point Lookout State Park Beach. The last swimmer is expected to complete the crossing by 3 p.m. Approximately fifteen swimmers will participate in the event. Each swimmer will be escorted by a kayak and a small motorized boat. Entry into this zone is prohibited unless authorized by the Captain of the Port.

Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this rule under the principles and criteria contained in Executive Order 12612 and has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B (as revised by 59 FR 38654; July 29, 1994), this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Vessels, Waterways.

Regulation

For the reasons set out in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; and 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; and 49 CFR 1.46.

2. A new temporary section, 165.T05–97–011, is added to read as follows:

§ 165.T05–97–011 Safety Zone; Potomac River, Point Lookout, MD to Hull Neck, VA.

(a) *Location.* The following area is a safety zone: that portion of the Potomac River included within a boundary beginning at Cornfield Harbor dayboard Number 1, thence southwest to the entrance to Hull Creek; thence east southeast along the shoreline to the entrance to Cubitt Creek; thence northeast to Point Lookout Lighthouse; thence northwest to Cornfield Harbor dayboard Number 1.

(b) *Effective Date.* This section becomes effective at 6 a.m. and terminates at 3 p.m. on May 31, 1997.

(c) *Captain of the Port* means the Commanding Officer of Coast Guard Activities Baltimore, or any commissioned, warrant, or petty officer authorized by the Captain of the Port to act on his behalf.

(d) *Regulations.*

(1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited except as authorized by the Captain of the Port.

(2) The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast on VHF Marine Band radio Channel 22 (157.1 MHz).

Dated: 14 March 1997.

G.S. Cope,

Captain, U.S. Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc. 97–10734 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[COTP San Diego; 97–001]

RIN 2115–AA97

Safety Zone: Oceanside, CA

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Pacific Ocean adjacent to Oceanside, California, for the War On The Water International (WWI) Oceanside Grand Prix Powerboat Race on 4 May 1997. The safety zone consists of a rectangular area approximately 3.3 miles long by .3 miles wide between the Oceanside harbor entrance and the southerly city limits of Oceanside, approximately .5 miles from the shoreline and running approximately parallel thereto, in an area more particularly described as follows: beginning at a point located at latitude 33–25.0 N, longitude 117–24.0 W; thence southeast to a point located at latitude 33–09.1 N, longitude 117–21.1 W; thence southwest to a point located at latitude 33–09.0 N, longitude 117–22.0 W; thence northwest to a point located at latitude 33–11.9 N, longitude 117–24.0 W; thence northeast to the point of the beginning.

This safety zone is established to protect the lives and property of the race participants and spectators by establishing an exclusionary zone around the race course. Entry into, transit through, or anchoring within this

zone is prohibited unless authorized by the Captain of the Port.

DATES: This temporary regulation is effective from 10 a.m. to 4 p.m. on May 4, 1997.

ADDRESSES: Marine Safety Office San Diego, 2716 N. Harbor Drive, San Diego, CA 92101–1064.

FOR FURTHER INFORMATION CONTACT:

LT Mike Arguelles, U.S. Coast Guard Marine Safety Office San Diego at (619) 683–6484.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation and good cause exists for making it effective in less than 30 days after **Federal Register** publication. Publication of a notice of proposed rulemaking and delay of its effective date would be contrary to the public interest since the details of the safety zone boundaries and WWI Oceanside Grand Prix Powerboat Race were not finalized until a date fewer than 30 days prior to the event date.

Discussion of Regulation

This regulation is necessary to protect the lives and property of the race participants and spectators by establishing an exclusionary zone around the WWI Oceanside Grand Prix Powerboat Race. During race times, vessels will be traveling at high rates of speed which will hinder their reaction time to obstacles. This safety zone will be marked by the sponsor, and enforced by U.S. Coast Guard personnel with the assistance of the Oceanside Harbor Police. Persons and vessels are prohibited from entering into, transiting through, or anchoring within the safety zone unless authorized by the Captain of the Port.

Regulatory Evaluation

This proposal is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11040; February 26, 1979). Due to the short duration and limited scope of the safety zone the Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of Department of Transportation is unnecessary.

Collection of Information

This regulation contains no collection of information requirements under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.).*

Federalism

The Coast Guard has analyzed this regulation under the principles and criteria contained in Executive Order 12612, and has determined that this regulation does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environmental Assessment

The Coast Guard has considered the environmental impact of this regulation and concluded that under section 2.B.2. of Commandant Instruction M16475.1B as revised in 59 FR 38654, July 29, 1994, it will have no significant environmental impact and it is categorically excluded from further environmental documentation. A Categorical Exclusion Determination and Environmental Analysis Checklist will be available for inspection and copying in the docket to be maintained at the address listed in **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

Regulation

In consideration of the foregoing, Subpart F of Part 165 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for 33 CFR Part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; 49 CFR 1.46.

2. A new temporary section 165.T11–038 is added to read as follows:

§ 165.T11–001 Safety Zone: Oceanside, CA.

(a) *Location.* The following area constitutes a safety zone in the navigable waters in the vicinity of Oceanside, CA: beginning at a point located at latitude 33°25′00″ N, longitude 117°24′00″ W; thence southeast to a point located at latitude 33°09′04″ N, longitude 117°21′07″ W; thence southwest to a point located at latitude 33°09′02″ N, longitude 117°22′00″ W; thence northwest to a point located at latitude 33°11′54″ N, longitude 117°24′03″ W; thence northeast to the point of the beginning. All coordinates referred use Datum: NAD 83.

(b) *Effective Dates.* This temporary regulation is effective from 10 a.m. to 4 p.m. (DST) on May 4, 1997, unless cancelled earlier by the Captain of the Port.

(c) *Regulations.* In accordance with the general regulations in Section 165.23 of this part, entry into, transit through, or anchoring within this zone is prohibited unless authorized by the Captain of the Port.

Dated: April 9, 1997.

J.A. Watson,

Commander, U.S. Coast Guard, Captain of the Port, San Diego, California.

[FR Doc. 97–10733 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300478; FRL–5713–1]

RIN 2070–AB78

Oxyfluorfen; Pesticide Tolerance for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for residues of the herbicide Oxyfluorfen in or on the food commodity strawberry in connection with EPA's granting of emergency exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of Oxyfluorfen on strawberries in Massachusetts, New Hampshire, Connecticut, Maine, Washington and Oregon. This regulation establishes maximum permissible levels for residues of Oxyfluorfen in this food pursuant to the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on April 15, 1998.

DATES: This regulation becomes effective April 25, 1997. Objections and requests for hearings must be received by EPA on or before June 24, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300478], must be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations

Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300478], must also be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Such copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket number [OPP–300478]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Pat Cimino, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8328, e-mail: cimino.pat@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing a tolerance for residues of the herbicide oxyfluorfen, [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on strawberries, at 0.05 part per million (ppm). The residue requiring regulation is parent oxyfluorfen only. This tolerance will expire and be revoked by EPA on April 15, 1998. After April 15, 1998, EPA will publish a document in the **Federal Register** to remove the revoked tolerances from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104–170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 et seq., and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 et seq. The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 CFR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Section 408(l)(6) also requires EPA to promulgate regulations by August 3, 1997, governing the establishment of tolerances and exemptions under section 408(l)(6) and requires that the regulations be consistent with section 408(b)(2) and (c)(2) and FIFRA section 18.

Section 408(l)(6) allows EPA to establish tolerances or exemptions from the requirement for a tolerance, in connection with EPA's granting of FIFRA section 18 emergency exemptions, without providing notice or a period for public comment. Thus, consistent with the need to act expeditiously on requests for emergency exemptions under FIFRA, EPA can establish such tolerances or exemptions under the authority of section 408(e) and (l)(6) without notice and comment rulemaking.

In establishing section 18-related tolerances and exemptions during this interim period before EPA issues the section 408(l)(6) procedural regulation and before EPA makes its broad policy decisions concerning the interpretation and implementation of the new section 408, EPA does not intend to set precedents for the application of section 408 and the new safety standard to other tolerances and exemptions. Rather, these early section 18 tolerance and exemption decisions will be made on a case-by-case basis and will not bind EPA as it proceeds with further rulemaking and policy development. EPA intends to act on section 18-related tolerances and exemptions that clearly qualify under the new law.

II. Emergency Exemption for Oxyfluorfen on Strawberries and FFDCA Tolerances

The Massachusetts Department of Food and Agriculture; Maine Department of Agriculture, Food and Rural Resources; Connecticut Department of Environmental Protection; and New Hampshire, Oregon and Washington Departments of Agriculture requested specific exemptions under FIFRA section 18 for the use of oxyfluorfen on strawberries to control wood sorrel (*Oxalis* sp.), and field pansy (*Viola tricolor*) in Massachusetts, Maine, Connecticut and New Hampshire and common groundsel (*Senecia vulgaris*), common lambsquarter (*Chenopodium album*), redroot pigweed (*Amaranthus retroflexus*), prostate knotweed, (*Polygonum aviculare*), smartweed (*Polygonum persicaria*), corn spurry (*Spergula arvensis*), wild buckwheat (*Polygonum convolvulus*), mayweed (*Anthemis cotula*), and pineappleweed (*Capsella bursa-pastoris*) in Oregon and Washington. The states indicated that an emergency situation is present due to lack of registered, effective alternatives to control these broadleaf weeds. The voluntary cancellations of chloroxuron (Tenoran) and dipenamid (Enide), depletion of the existing stocks of these materials, and recent label changes, varietal sensitivity and plant-back restrictions for terbacil (Sinbar) have resulted in a lack of effective materials

for control of the above weeds. The states indicate that they will suffer significant losses without an effective control for these weeds. After reviewing the applicants' submissions, the Agency concurs that emergency conditions exist for these states.

As part of its assessment of these crisis declarations, EPA assessed the potential risks presented by residues of oxyfluorfen in or on strawberries. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided to grant the section 18 exemptions only after concluding that the necessary tolerance under FFDCA section 408(l)(6) would clearly be consistent with the new safety standard and with FIFRA section 18. This tolerance for oxyfluorfen will permit the marketing of strawberries treated in accordance with the provisions of the section 18 emergency exemptions. Consistent with the need to move quickly on the emergency exemptions and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e) as provided for in section 408(l)(6). Although this tolerance will expire and is revoked on April 15, 1998, under FFDCA section 408(l)(5), residues of oxyfluorfen not in excess of the amount specified in the tolerance remaining in or on strawberries after that date will not be unlawful, provided the pesticide is applied during the term of, and in accordance with all the conditions of, section 18 of FIFRA. EPA will take action to revoke this tolerance earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

EPA has not made any decisions about whether oxyfluorfen meets the requirements for registration under FIFRA section 3 for use on strawberries, or whether a permanent tolerance for oxyfluorfen in or on strawberries would be appropriate. This action by EPA does not serve as a basis for registration of oxyfluorfen by a State for special local needs under FIFRA section 24(c). Nor does this action serve as the basis for any State other than Massachusetts, Maine, New Hampshire, Connecticut, Oregon and Washington to use this product on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemptions for oxyfluorfen, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. For many of these studies, a dose-response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100 percent or less of the RfD) is generally considered by EPA to pose a reasonable certainty of no harm.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight-of-the-evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure-activity relationships. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments [e.g., linear low-dose extrapolations or margin of exposure (MOE) calculation based on the appropriate NOEL] will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, and other non-occupational exposures, such as where residues leach into groundwater or surface water that is consumed as drinking water. Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100 percent of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

IV. Aggregate Risk Assessments, Cumulative Risk Discussion, and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. Oxyfluorfen is registered by EPA for outdoor residential uses.

Tolerances have been established (40 CFR 180.381) for the combined residues of oxyfluorfen, [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage expressed in or on certain food commodities ranging from 0.05 ppm in stone fruits to 0.25 ppm in mint oil. There are no livestock feed items associated with these section 18 requests and secondary residues are not expected to occur in meat, milk, poultry or eggs as a result of these section 18 uses. Based on information submitted to the Agency, EPA has sufficient data to assess the hazards of oxyfluorfen and to

make a determination on aggregate exposure, consistent with section 408(b)(2), for the time-limited tolerance for residues of oxyfluorfen on strawberries at 0.05 ppm. EPA's assessment of the dietary exposures and risks associated with establishing this tolerance follows.

A. Toxicological Profile

1. *Acute risk.* For the acute dietary risk assessment, the Agency recommended use of the NOEL of 10 mg/kg/day, based on fused sternebrae observed in pups at the Lowest Effect Level (LEL) of 30 mg/kg/day, from the developmental toxicity study in rabbits. This NOEL is used to evaluate the Margin of Exposure (MOE) from the acute dietary risk to pregnant women 13+ years or older.

2. *Chronic risk.* The RfD of 0.003 mg/kg/day was established by the Agency on April 14, 1986, based on a 20–month feeding study in mice with a NOEL of 0.3 mg/kg/day and an uncertainty factor of 100. The effects observed at the LEL of 3.0 mg/kg/day were necrosis, hyperplastic nodules, and absolute liver weight.

3. *Cancer risk.* Oxyfluorfen has been classified as a Group C chemical by the Agency based on liver adenomas and carcinomas in the 20–month feeding study in mice. The Agency recommended using the Q_1* approach to assess cancer risk. The Q_1* is 0.128 $(mg/kg/day)^{-1}$.

4. *Developmental toxicity risk.* From the developmental toxicity study in rats, the maternal NOEL was 18 mg/kg/day and the maternal LEL was 183 mg/kg/day, based on decreased weight gain and food consumption, increased incidences of soft or scant feces, increased alkaline phosphatase and SGOT and mortality at high-dose. The developmental (pup) NOEL was 18 mg/kg/day and the developmental LEL was 183 mg/kg/day based on decreased fetal body weight, increased resorptions, and an increase in the incidences of left carotid artery arising from the innominate, bent bones of the forelimbs, and other ossification irregularities; these effects were confined to the mid-dose level, since there was 100% litter loss in the high-dose group [848 mg/kg/day] as the result of maternal mortality and resorptions. From the developmental toxicity study in rabbits, the maternal (systemic) NOEL was 10 mg/kg/day and the maternal LEL was 30 mg/kg/day based on anorexia and decreased body weight gain. The developmental (pup) NOEL was 10 mg/kg/day and the developmental LEL was 30 mg/kg/day based on fused sternebrae.

5. *Reproductive toxicity risk.* In the 2-generation reproduction study in rats, the reproductive (pup) NOEL was 400 ppm [20 mg/kg/day] and the reproductive LEL was 1,600 ppm [80 mg/kg/day] based on decreased pup body weight during lactation in both the F1a and F2a litters and also a decreased litter size at birth in F1a and F2a litters. The systemic (parents) NOEL was 400 ppm and LEL was 1,600 ppm based on pelvic mineralization of P1 males, P2 males and females, and pelvic papillary hyperplasia in P1 and P2 males and P2 females. Also at 1,600 ppm, there were additional kidney effects, consisting of dilatation of collecting ductules in both P2 sexes. Other high-dose histological findings consisted of hepatocellular hypertrophy in both sexes of P1 and P2 animals. Additional high-dose effects were alopecia in both sexes of P1 and P2 animals during growth, and decreased weight gain during growth and gestation of P1 and P2 parental animals.

B. Aggregate Exposure

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency looks at include drinking water (whether from groundwater or surface water), and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

Permanent oxyfluorfen food tolerances have been established and there are no livestock feed items associated with these section 18 requests. Oxyfluorfen is registered for outdoor residential uses.

1. *Chronic exposure*— i. *Dietary risk assessment considerations.* In conducting exposure assessments for these section 18 requests, EPA partially refined the chronic RfD and cancer risk assessments by using a combination of the TMRC (worst-case) and dietary exposure assumptions based on anticipated residues and/or percent of crop treated. Percent of crop treated estimates are derived from reliable federal and private market survey data. Typically, a range of estimates are supplied and the upper end of this range is assumed for the exposure assessment. By using this upper end estimate of percent crop treated, the Agency is reasonably certain that exposure is not understated for any significant subpopulation group. In addition, actual residues are expected to be quite low because the majority of the use patterns direct sprays onto weeds and away from the crop and there are long pre-harvest intervals for sprays which are directly applied to crops.

To determine chronic (using the RfD) and cancer (using the Q_1* approach) risks, the Agency has utilized the TMRC to estimate dietary exposure from proposed uses of oxyfluorfen on strawberries and peanuts, and from registered uses of oxyfluorfen with tolerances established for the following food items: dates, figs, guava, loquats, olives and olive oil, papaya, persimmon, pomegranate, plantains, kiwi, cocoa butter, coffee, artichokes, taro-roots and greens, garlic, shallots, cauliflower, bok-choy and other chinese variety cole crops, dry beans, crabapples, quince, blackberry, raspberry, brazil nut, cashew, chestnuts, hazelnuts, hickory nuts, macadamias, pecans, horseradish and peppermint and spearmint oils. The TMRC is obtained by multiplying the tolerance level residue for these foods by the average consumption data (estimates of the amount of the foods eaten by various population subgroups). The risk assessment using TMRC assumptions is considered to be overestimated.

Refined dietary exposure estimates using percent of crop treated were used to assess chronic dietary risk for registered uses of oxyfluorfen with established tolerances for the following foods and/or animal feed items: pistachio nuts, cottonseed meal, cherries, nectarines, plums, prunes, almonds and walnuts. Refined dietary exposure estimates using anticipated residues were used to assess chronic dietary risk for registered uses of oxyfluorfen with established tolerances on the following food items: bananas, broccoli, cabbage, apricots, meat and milk. Refined dietary exposure estimates using percent of crop treated and anticipated residues were used to assess chronic dietary risk for registered uses of oxyfluorfen with established tolerances on the following food and/or animal feed items: cottonseed oil, onions, soybeans, soybean oil, apples, pears, peaches, grapes and corn.

The Agency considers the partially refined estimates for chronic RfD and cancer risks to be conservative.

ii. *Drinking water considerations.* The Agency has reviewed environmental fate data which indicate that oxyfluorfen is persistent but non-mobile. There is no established Maximum Concentration Level (MCL) for residues of oxyfluorfen in drinking water. No health advisory levels for oxyfluorfen in drinking water have been established. As noted in ''Pesticides in Groundwater Database'' EPA 734–12–92–001, Sept 1992, 188 wells were

monitored in Texas in 1987 and 1988. No detectable residues of oxyfluorfen were found in any of the samples.

Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for consumption of contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause oxyfluorfen to exceed the RfD if the tolerance being considered in this document were granted. In addition, chronic exposure to oxyfluorfen residues resulting from potential water exposure would not increase the total cancer risk so that it exceeds the Agency's level of concern. The Agency has therefore concluded that the potential exposures associated with oxyfluorfen in water, even at the higher levels the Agency is considering as a conservative upper bound for RfD exposure considerations, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

iii. *Non-dietary, non-occupational considerations.* Oxyfluorfen is registered for outdoor residential use. Acceptable, reliable data are not currently available with which to assess acute risk. However, based on the available residential exposure data and the best professional judgment of scientists who have worked with the available occupational exposure data, 5% of the risk for outdoor residential uses is a reasonable, protective default assumption for this pesticide. In the best scientific judgment of the Agency, chronic exposure to oxyfluorfen residues resulting from potential outdoor residential exposure would not increase the total chronic or cancer risks so that they exceed the Agency's level of concern.

2. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1 day or single exposure. Under FQPA, drinking water is also considered a component of the acute dietary exposure.

Theoretically, it is also possible that a residential, or other non-dietary, exposure could be combined with the acute total dietary exposure from food and water. However, the Agency does not believe that aggregating multiple exposure to large amounts of pesticide residues in the residential environment via multiple products and routes for a 1–day exposure is a reasonably probable event. It is highly unlikely that, in 1 day, an individual would have multiple high-end exposures to the same pesticide by treating their lawn and garden, treating their house via crack and crevice application, swimming in a pool, and be maximally exposed in the food and water consumed.

The acute dietary exposure endpoint of concern for oxyfluorfen is fused sternebrae in developing pups which was observed in the rabbit developmental study. The population subgroup of concern is females 13+ years old (women of childbearing age). Acute dietary exposure (food only) was calculated using the TMRC (worst case) assumptions. An MOE of 100 (food only) or greater is acceptable for these section 18 requests.

Despite the potential for acute exposure to oxyfluorfen in drinking water, EPA does not expect the aggregate acute exposure to exceed the Agency's level of concern if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential acute term exposures associated with oxyfluorfen in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

C. Cumulative Exposure to Substances with Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether oxyfluorfen has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, oxyfluorfen does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that oxyfluorfen has a common mechanism of toxicity with other substances.

D. Determination of Safety for U.S. Population

1. *Chronic RfD and cancer risk.* Using the partially refined dietary exposure assumptions described above and taking

into account the completeness and reliability of the toxicity data, EPA has concluded that aggregate dietary exposure (food only) to oxyfluorfen will utilize <1% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100 percent of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to oxyfluorfen in drinking water and from the 5% default-level contribution from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD.

As noted above, oxyfluorfen has been classified as a Group C chemical by the Agency based on liver adenomas and carcinomas in the 20–month mouse feeding study. The Agency recommended using the Q_1* approach to assess cancer risk, with a value of 0.128 $(mg/kg/day)^{-1}$. The partially refined dietary assumptions for existing oxyfluorfen tolerances plus amortized section 18 strawberry use (adjusted for a 6 year duration of exposure to this section 18 use over a 70 year lifetime) result in a Anticipated Residue Contribution (ARC) that is equivalent to 1.8×10^{-6} (food only). Although this number is partially refined, it is still considered conservative by the Agency. Actual residues are expected to be quite low because the majority of the use patterns direct sprays onto weeds and away from the crop and there are long pre-harvest intervals for sprays which are directly applied to crops. Environmental fate data indicate that oxyfluorfen strongly adheres to soil, does not leach into groundwater and has not been detected in sampled groundwater. Based on this information, occurrence of oxyfluorfen in drinking water is unlikely. Outdoor residential uses of oxyfluorfen are limited and exposure is expected to be low. Oxyfluorfen is toxic to lawn grasses and certain ornamental plants, and use is generally limited to spot treatments for non-selective weed control. In the best scientific judgment of the Agency, chronic exposure to oxyfluorfen residues resulting from potential residential and/or water exposure would not increase the total cancer risk so that it exceeds the Agency's level of concern. EPA concludes that there is a reasonable certainty that no harm will result from chronic aggregate exposure to oxyfluorfen residues.

2. *Acute risk.* The acute dietary exposure endpoint of concern for oxyfluorfen is fused sternebrae in developing pups which was observed in the rabbit developmental study. The population subgroup of concern is females 13+ years old (women of childbearing age). For this subgroup, the calculated MOE at the high end exposure is 5,000. The Agency considers dietary (food) MOEs of greater than 100 to be acceptable for oxyfluorfen. Acute dietary exposure (food only) was calculated using the TMRC (worst case) assumptions.

In the absence of data for drinking water exposure, the ranges of exposure being considered by the Agency for consumption of contaminated water will be reserved for drinking water. The aggregate MOE level of concern for dietary plus the addition of upperbound estimates for drinking water is not likely to raise the MOE level of concern above 150. Despite the potential for acute exposure to oxyfluorfen in drinking water, EPA does not expect the aggregate exposure to exceed the Agency's level of concern if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential acute exposure associated with oxyfluorfen in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

E. Determination of Safety for Infants and Children

In assessing the potential for additional sensitivity of infants and children to residues of oxyfluorfen, EPA considered data from developmental toxicity studies in the rat and rabbit and a 2-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for pre- and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure analysis or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans. In either case, EPA generally defines the level of appreciable risk as exposure that is greater than 1/100 of the no observed effect level in the animal study appropriate to the particular risk assessment. This hundredfold uncertainty (safety) factor/margin of exposure (safety) is designed to account for combined inter- and intra-species variability. EPA believes that reliable data support using the standard hundredfold margin/actor not the additional tenfold margin/factor when EPA has a complete database under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard margin/factor.

The toxicology data base is complete for oxyfluorfen relative to pre- and post-natal toxicity. In the developmental toxicity study in rabbits, at the maternally toxic dose of 30 mg/kg/day, there were developmental anomalies (fused sternebrae) in the fetuses which demonstrated that pre-natal toxicity should be evaluated by an acute dietary risk estimate. As described above, the acute dietary MOE for pregnant women 13+ years old was 5,000 based on the developmental NOEL of 10 mg/kg/day. This MOE is much higher than the minimal acceptable MOE (100 for dietary-food only) and suggests that pre-natal developmental risks to infants and children from exposure to oxyfluorfen dietary residues is not a concern. Additionally, the rabbit developmental NOEL of 10 mg/kg/day is 33 times greater than the NOEL of 0.3 mg/kg/day used to calculate the RfD. In the developmental toxicity study in rats, both the developmental and maternal NOEL and LOEL of 18 and 183 mg/kg/day, respectively, occurred at the same dose levels and demonstrates that there is no special sensitivity in infants and children exposed to oxyfluorfen. Although the developmental findings in the rat were severe effects, the developmental NOEL of 18 mg/kg/day is greater than the rabbit developmental NOEL of 10 mg/kg/day used to calculate acute dietary MOEs. Therefore, the acute dietary risk estimates calculated from the rabbit developmental NOEL are lower than acute dietary MOEs which could be calculated for the more severe effects occurring in rats above the NOEL of 18 mg/kg/day. By basing the acute dietary MOEs on the NOEL in the most sensitive species (rabbit), pregnant women are protected against both types of pre-natal toxicity effects as seen in the rat and rabbit developmental toxicity studies. Therefore, there are no

significant pre-natal toxicity concerns for infants and children due to the high MOE for pregnant women 13+ years old. In the 2-generation reproductive toxicity study in rats used to assess the post-natal toxicity potential of infants and children, the NOEL and LOEL of 20 mg/kg/day and 80 mg/kg/day, respectively, for developmental/reproductive and systemic toxicity demonstrated that there are no pup toxicity effects in the absence of parental toxicity (NOEL and LOEL are the same for pups and parental animals). Therefore, there are no special post-natal sensitivities in infants and children which can be attributed to the findings of the 2-generation reproductive toxicity study in rats. Additionally, the developmental/reproductive NOEL of 20 mg/kg/day [which is the NOEL for decreased litter size at birth as well as decreased pup body weight] and the parental systemic NOEL of 20 mg/kg/day is 66 times greater than the NOEL of 0.3 mg/kg/day used to calculate the RfD.

Based on the above, EPA concludes that reliable data support use of the standard hundredfold margin of exposure/uncertainty factor and that an additional margin/factor is not needed to protect the safety of infants and children.

1. *Chronic risk.* Using the partially refined, conservative exposure assumptions described above and taking into account the completeness and reliability of the toxicity data, EPA has concluded that aggregate dietary exposure to oxyfluorfen will utilize 1% of the RfD for infants and 1.4% of the RfD for children. EPA generally has no concern for exposures below 100 percent of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to oxyfluorfen in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the chronic aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from chronic aggregate exposure to oxyfluorfen residues.

2. *Acute risk.* As mentioned above, the acute dietary exposure endpoint of concern for oxyfluorfen is fused sternebrae in developing pups which was observed in the rabbit developmental study. The population subgroup of concern is females 13+ years old (women of childbearing age). For this subgroup, the calculated MOE at the high end exposure is 5,000. The Agency considers dietary (food) MOEs of greater than 100 to be acceptable for oxyfluorfen. Acute dietary exposure (food only) was calculated using the TMRC (worst case) assumptions.

In the absence of data for drinking water exposure, the ranges of exposure being considered by the Agency for consumption of contaminated water will be reserved for drinking water. Based on the ranges under consideration, the aggregate MOE level of concern for dietary plus the addition of drinking water is not likely to raise the MOE above the Agency's level of concern. The large MOE calculated for this use of oxyfluorfen provides assurance that there is a reasonable certainty of no harm for infants and children.

V. Other Considerations

There is a practical analytical method for detecting and measuring levels of oxyfluorfen in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. EPA has provided information on this method to FDA. The method is available to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 1128, 1921 Jefferson Davis Highway, Arlington, VA, 703–305–5805.

VI. Conclusion

Therefore, a tolerance in connection with the FIFRA section 18 emergency exemptions is established for residues of oxyfluorfen in/on strawberries at 0.05 ppm.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 24, 1997, file written objections to any aspect of this regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Docket

A record has been established for this rulemaking under docket number [OPP–300478]. A public version of this record, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments may be sent directly to EPA at:

opp-docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above, is kept in paper form. Accordingly, in the event there are objections and hearing requests, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., it is not subject to review by the Office of Management and Budget. This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because FFDCA section 408(l)(6) permits establishment of this regulation without a notice of proposed rulemaking, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 604(a), do not apply. Nonetheless, the Agency has previously assessed whether establishing tolerances or exemptions from tolerance, raising tolerance levels, or expanding exemptions adversely impact small entities and concluded, as a generic matter, that there is no adverse impact. (46 FR 24950, May 4, 1981).

Under 5 U.S.C. 801(a)(1)(A) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2) of the APA as amended.

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 16, 1997.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180— [AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.381 is amended as follows:

i. In paragraph (a) by adding the heading *''General.''*

ii. By redesignating paragraph (b) as paragraph (c), and adding a new paragraph (b).

iii. In newly designated paragraph (c) by adding a paragraph heading *''Tolerances with regional registrations.''*

iv. By adding and reserving new paragraph (d) with the heading *''Indirect or inadvertent residues.''*

v. By revising the phrase ''raw agricultural'', to read ''food'' throughout the section.

§ 180.381 Oxyfluorfen; tolerances for residues.

(a) *General.* * * *

(b) *Section 18 emergency exemptions.* Tolerances are established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on the following food commodities:

Commodity	Parts per million	Expiration/ Revocation Date
Strawberries	0.05	April 15, 1998

(c) *Tolerances with regional registrations.* * * *

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97–10724 Filed 4–24–97; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[OPP–300476; FRL–5712–7]

RIN 2070–AB78

Fenoxycarb; Pesticide Tolerances for Emergency Exemptions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes a time-limited tolerance for combined residues of the insecticide fenoxycarb in or on the commodity pear in connection with EPA's granting of emergency exemptions under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act authorizing use of fenoxycarb on pears in Oregon and Washington. This regulation establishes maximum permissible levels for residues of fenoxycarb in this food pursuant to section 408(l)(6) of the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. The tolerance will expire and is revoked on April 30, 1998.

DATES: This regulation becomes effective April 25, 1997. Objections and requests for hearings must be received by EPA on or before June 24, 1997.

ADDRESSES: Written objections and hearing requests, identified by the docket control number, [OPP–300476], must be submitted to Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251. A copy of any objections and hearing requests filed with the Hearing Clerk identified by the docket control number, [OPP–300476], must also be submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Such copies of objections and hearing requests must be

submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the docket control number [OPP–300476]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries.

FOR FURTHER INFORMATION CONTACT: By mail: Pat Cimino, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA 22202. (703) 308–8328, e-mail: cimino.pat@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA, pursuant to section 408(e) and (l)(6) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e) and (l)(6), is establishing tolerances for residues of the insecticide fenoxycarb, ethyl(2-[4-phenoxyphenoxy] ethyl) carbamate, in or on pears, at 0.10 part per million (ppm). This tolerance will expire and be revoked by EPA on April 30, 1998. After April 30, 1998, EPA will publish a document in the **Federal Register** to remove the revoked tolerance from the Code of Federal Regulations.

I. Background and Statutory Authority

The Food Quality Protection Act of 1996 (FQPA) (Pub. L. 104-170) was signed into law August 3, 1996. FQPA amends both the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 301 *et seq.*, and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* The FQPA amendments went into effect immediately. Among other things, FQPA amends FFDCA to bring all EPA pesticide tolerance-setting activities under a new section 408 with a new safety standard and new procedures. These activities are described below and discussed in greater detail in the final rule establishing the time-limited tolerance associated with the emergency exemption for use of propiconazole on sorghum (61 FR 58135, November 13, 1996) (FRL–5572–9).

New section 408(b)(2)(A)(i) allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information''. This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that ''emergency conditions exist which require such exemption.'' This provision was not amended by FQPA. EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

Section 408(l)(6) requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under section 18 of FIFRA. Section 408(l)(6) also requires EPA to promulgate regulations by August 3, 1997, governing the establishment of tolerances and exemptions under section 408(l)(6) and requires that the regulations be consistent with section 408(b)(2) and (c)(2) and FIFRA section 18.

Section 408(l)(6) allows EPA to establish tolerances or exemptions from the requirement for a tolerance, in connection with EPA's granting of FIFRA section 18 emergency exemptions, without providing notice or a period for public comment. Thus, consistent with the need to act expeditiously on requests for emergency exemptions under FIFRA, EPA can establish such tolerances or exemptions under the authority of section 408(e) and (l)(6) without notice and comment rulemaking.

In establishing section 18-related tolerances and exemptions during this interim period before EPA issues the section 408(l)(6) procedural regulation and before EPA makes its broad policy decisions concerning the interpretation and implementation of the new section 408, EPA does not intend to set precedents for the application of section 408 and the new safety standard to other tolerances and exemptions. Rather, these early section 18 tolerance and exemption decisions will be made on a case-by-case basis and will not bind EPA as it proceeds with further rulemaking and policy development. EPA intends to act on section 18-related tolerances and exemptions that clearly qualify under the new law.

II. Emergency Exemption for Fenoxycarb on Pears and FFDCA Tolerances

The Oregon and Washington Departments of Agriculture requested specific exemptions under FIFRA section 18 for the use of fenoxycarb on pears to control pear psylla. Oregon and Washington stated that an emergency situation was present due to the pests' resistance to pesticides registered for this use. Pear psyllas reduce pear tree vigor and yield by injecting a toxin into the trees during feeding. They also secrete honeydew which causes deformed fruit, russeting, and growth of black sooty mold, leading to downgrading of fruit and increased cullage. If the pest is left totally uncontrolled, it will cause eventual tree debilitation and dramatic yield decreases. After reviewing the applicants' submissions, the Agency concluded that an emergency condition existed which would result in significant economic loss.

As part of its assessment of these crisis declarations, EPA assessed the potential risks presented by residues of fenoxycarb in or on pears. In doing so, EPA considered the new safety standard in FFDCA section 408(b)(2), and EPA decided to grant the section 18 exemptions only after concluding that the necessary tolerance under FFDCA section 408(l)(6) would clearly be consistent with the new safety standard and with FIFRA section 18. This tolerance for fenoxycarb will permit the marketing of pears treated in accordance with the provisions of the section 18 emergency exemptions. Consistent with the need to move quickly on the emergency exemptions and to ensure that the resulting food is safe and lawful, EPA is issuing this tolerance without notice and opportunity for public comment under section 408(e) as provided for in section 408(l)(6). Although this tolerance will expire and is revoked on April 30, 1998, under FFDCA section 408(l)(5), residues of fenoxycarb not in excess of the amount specified in the tolerance remaining in or on pears after that date will not be unlawful, provided the pesticide is applied during the term of, and in accordance with all the conditions of, the emergency exemptions. EPA will take action to revoke this tolerance earlier if any experience with, scientific

data on, or other relevant information on this pesticide indicate that the residues are not safe.

EPA has not made any decisions about whether fenoxycarb meets the requirements for registration under FIFRA section 3 for use on pears, or whether a permanent tolerance for fenoxycarb for pears would be appropriate. This action by EPA does not serve as a basis for registration of fenoxycarb by a State for special local needs under FIFRA section 24(c). Nor does this action serve as the basis for any State other than Oregon and Washington to use this product on this crop under section 18 of FIFRA without following all provisions of section 18 as identified in 40 CFR part 166. For additional information regarding the emergency exemptions for fenoxycarb, contact the Agency's Registration Division at the address provided above.

III. Risk Assessment and Statutory Findings

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides based primarily on toxicological studies using laboratory animals. These studies address many adverse health effects, including (but not limited to) reproductive effects, developmental toxicity, toxicity to the nervous system, and carcinogenicity. For many of these studies, a dose-response relationship can be determined, which provides a dose that causes adverse effects (threshold effects) and doses causing no observed effects (the ''no-observed effect level'' or ''NOEL'').

Once a study has been evaluated and the observed effects have been determined to be threshold effects, EPA generally divides the NOEL from the study with the lowest NOEL by an uncertainty factor (usually 100 or more) to determine the Reference Dose (RfD). The RfD is a level at or below which daily aggregate exposure over a lifetime will not pose appreciable risks to human health. An uncertainty factor (sometimes called a ''safety factor'') of 100 is commonly used since it is assumed that people may be up to 10 times more sensitive to pesticides than the test animals, and that one person or subgroup of the population (such as infants and children) could be up to 10 times more sensitive to a pesticide than another. In addition, EPA assesses the potential risks to infants and children based on the weight of the evidence of the toxicology studies and determines whether an additional uncertainty factor is warranted. Thus, an aggregate daily exposure to a pesticide residue at or below the RfD (expressed as 100% or less of the RfD) is generally considered by EPA to pose a reasonable certainty of no harm.

Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. When evidence of increased cancer is noted in these studies, the Agency conducts a weight-of-the-evidence review of all relevant toxicological data including short-term and mutagenicity studies and structure-activity relationships. Once a pesticide has been classified as a potential human carcinogen, different types of risk assessments (e.g., linear low-dose extrapolations or margin of exposure (MOE) calculation based on the appropriate NOEL) will be carried out based on the nature of the carcinogenic response and the Agency's knowledge of its mode of action.

In examining aggregate exposure, FFDCA section 408 requires that EPA take into account available and reliable information concerning exposure from the pesticide residue in the food in question, residues in other foods for which there are tolerances, and other non-occupational exposures, such as where residues leach into groundwater or surface water that is consumed as drinking water. Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The Theoretical Maximum Residue Contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. The TMRC is a ''worst case'' estimate since it is based on the assumptions that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the RfD or poses a lifetime cancer risk that is greater than approximately one in a million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances.

IV. Aggregate Risk Assessments, Cumulative Risk Discussion, and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. Fenoxycarb is registered by EPA for indoor and outdoor residential use. The registrant, Novartis, has proposed voluntarily canceling all home-owner applied uses of fenoxycarb. There are no permanent fenoxycarb food tolerances at this time. EPA is not in possession of a registration application for fenoxycarb on pears; however, the Agency has received petitions to establish tolerances for use of fenoxycarb on citrus fruits crop group, tree nut crops group, almond hulls, grass forage crop group and grassy hays. Based on information submitted to the Agency, EPA has sufficient data to assess the hazards of fenoxycarb and to make a determination on aggregate exposure, consistent with section 408(b)(2), for the time-limited tolerance for residues of fenoxycarb on pears at 0.10 ppm. EPA's assessment of the dietary exposures and risks associated with establishing this tolerance follows.

A. Toxicological Profile

1. *Acute toxicity.* No appropriate acute dietary endpoint was identified by the Agency. This risk assessment is not required.

2. *Short- and intermediate term toxicity.* For short-and intermediate-term inhalation MOE calculations, the Agency (March 28, 1994) recommended use of the 21–day inhalation NOEL of 1.13 milligrams per liter (mg/L) (186 milligrams per kilogram per day (mg/kg/day)), the highest dose tested, from the 21–day inhalation study in rats. A risk assessment is not required for dermal exposure. The following equation was used to calculate the MOEs: MOE = NOEL (21–day inhalation study)/dietary exposure.

3. *Chronic risk.* Based on the available chronic toxicity data, the Office of Pesticide Programs (OPP) has established the RfD for fenoxycarb at 0.8 mg/kg/day. The RfD is based on a 2–year chronic toxicity/carcinogenicity study in rats with a NOEL of 8.1 mg/kg/day and an uncertainty factor of 100. The LEL was 24.7 mg/kg/day based on liver toxicity in male rats.

4. *Cancer risk.* Fenoxycarb has been classified as a Group B2 chemical by the Agency's Cancer Peer Review Committee based on lung carcinomas and Hardeian gland carcinomas in mice. The Committee recommended using the Q_1* approach for calculating cancer risk

estimates. The Q_1* is 5.6×10^{-2} (mg/kg/day)$^{-1}$.

B. Aggregate Exposure

In examining aggregate exposure, FQPA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency looks at include drinking water (whether from groundwater or surface water), and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

There are no permanent fenoxycarb food tolerances at this time. There are no livestock feed items associated with these Section 18 requests. Fenoxycarb is registered for indoor and outdoor residential uses (lawns, turf, pets, and inside domestic dwellings).

In conducting this exposure assessment, EPA has made very conservative assumptions - 100% of pears will contain fenoxycarb tolerance residues and those residues would be at the level of the tolerance - which result in an overestimate of human dietary exposure. Thus, in making a safety determination for this tolerance, EPA is taking into account this conservative exposure assessment.

1. *Acute exposure.* The Agency has determined that there are no acute dietary endpoints of concern and an acute assessment is not required.

2. *Chronic exposure.*— i. *Dietary-food exposure*. Given the emergency nature of these requests for the use of fenoxycarb and the resulting need for a timely analysis and risk assessment, EPA has utilized the TMRC to estimate chronic dietary exposure from the tolerance for fenoxycarb on pears at 0.10 ppm. The TMRC is obtained by multiplying the tolerance level residue for pears by the average consumption data, which estimate the amount of pears eaten by various population subgroups. The risk assessment is therefore considered to be overestimated.

ii. *Drinking water exposure.* Available studies indicate that fenoxycarb is moderately persistent (half lives ranging from 24 to 37 days) and does not appear to be very mobile. The most likely routes of dissipation are sorption to soil particles, aerobic and anaerobic soil metabolism and aerobic aquatic metabolism to CO_2. There is no established Maximum Concentration Level for residues of fenoxycarb in drinking water and there have been no drinking water Health Advisory Levels established for fenoxycarb. The ''Pesticides in Groundwater Database'' (EPA 734–12–92–001, September 1992) has no information concerning fenoxycarb.

The Agency has reviewed these section 18 requests and concluded that for these uses, fenoxycarb has little potential for contamination of ground water. There is a slight potential for surface water contamination by erosion of soil particles to which fenoxycarb is sorbed. However for these section 18 requests, the potential is lessened by: (a) The requirement of a 100 yard buffer strip between treated areas and water bodies, and (b) the practice of growing grass cover crops in most pear orchards.

Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. While EPA has not yet pinpointed the appropriate bounding figure for consumption of contaminated water, the ranges the Agency is continuing to examine are all below the level that would cause fenoxycarb to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with fenoxycarb in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

iii. *Non-dietary, non-occupational exposure*. Fenoxycarb is registered for use on lawns, turf, pets, and inside domestic dwellings. The Agency, at this time, does not have exposure data with which to determine risk from these non-dietary, non-occupational uses. However, upon considering the registered uses, formulation types, persistence, and toxicological endpoints, the Agency has determined that, in the absence of exposure data, the registered non-dietary, non-occupational uses of fenoxycarb will be assigned a value of 20% of the acceptable aggregate chronic, and short- and intermediate-term risk. The registrant, Novartis, has proposed voluntarily canceling all home-owner applied uses of fenoxycarb.

iv. *Cancer considerations*. Fenoxycarb has been classified as a Group B2 chemical by the Agency's Cancer Peer Review Committee based on lung carcinomas and Hardeian gland carcinomas in mice. The Committee recommended using the Q_1* approach for calculating cancer risk estimates. The Q_1* is 5.6×10^{-2} (mg/kg/day)$^{-1}$. A dietary (food only) cancer risk assessment was calculated for the U.S. population and was adjusted for the duration of exposure of the Section 18 (5 years) over a 70 year lifetime. The total oncogenic risk (food only) is 4.9×10^{-8}. In the best scientific judgment of the Agency, chronic exposure to fenoxycarb residues resulting from potential residential and/or water exposure would not increase the total cancer risk so that it exceeds the Agency's level of concern.

3. *Short- and intermediate-term exposure.* Short- and intermediate-term aggregate exposure takes into account chronic dietary food and water (considered to be a background exposure level) plus indoor and outdoor residential exposure.

The Agency considers dietary (food) MOEs of greater than 100 to be acceptable for fenoxycarb. In the absence of data for drinking water and non-dietary, non-occupational sources of exposure, 20% of the acceptable short-term risk will be reserved for indoor and outdoor non-dietary, non-occupational exposure and the ranges of exposure for consumption of contaminated water, described above, will be reserved for drinking water. The aggregate MOE level of concern for dietary plus indoor and outdoor residential exposure is 125 and the addition of drinking water is not likely to raise the MOE level of concern above 200. Despite the potential for short- and intermediate-term exposure to fenoxycarb in drinking water and from indoor and outdoor residential use, EPA does not expect the aggregate exposure to exceed the Agency's level of concern if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential short- and intermediate-term exposures associated with fenoxycarb in water, even at the higher levels the Agency is considering as a conservative upper bound, and from indoor and outdoor residential uses would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

C. Cumulative Exposure to Substances with Common Mechanism of Toxicity

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

EPA does not have, at this time, available data to determine whether fenoxycarb has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, fenoxycarb does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that fenoxycarb has a common mechanism of toxicity with other substances.

D. Determination of Safety for U.S. Population

1. *Acute risk.* The Agency has determined that there are no acute dietary endpoints of concern and an acute assessment is not required.

2. *Short- and intermediate-term risk.* The calculated aggregate MOEs for short- and intermediate-term exposure were greater than 1,000,000 (one million). The Agency typically considers dietary MOEs greater than 100 to be acceptable. Despite the potential for short- and intermediate-term exposure to fenoxycarb in drinking water and from indoor and outdoor residential use, the calculated MOEs (>1,000,000) are well above the Agency's aggregate MOE level of concern.

3. *Chronic risk.* Using the conservative TMRC exposure assumptions described above and taking into account the completeness and reliability of the toxicity data, EPA has concluded that aggregate dietary exposure to fenoxycarb will utilize < 1% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to fenoxycarb in drinking water and from non-dietary/non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result from aggregate exposure to fenoxycarb residues.

4. *Cancer risk.* Fenoxycarb has been classified as a Group B2 chemical by the Agency's Cancer Peer Review Committee based on lung carcinomas and Hardeian gland carcinomas in mice. The Committee recommended using the Q1* approach for calculating cancer risk estimates. The Q_1* is 5.6×10^{-2} $(mg/kg/day)^{-1}$. A dietary (food only) cancer risk assessment was calculated for the U.S. population and was adjusted for the duration of exposure of the section 18 (5 years) over a 70 year lifetime. The total oncogenic risk (food only) is 4.9×10^{-8}. In the best scientific judgment of the Agency, chronic exposure to fenoxycarb residues resulting from potential residential and/or water exposure would not increase the total cancer risk so that it exceeds the Agency's level of concern.

E. Determination of Safety for Infants and Children

In assessing the potential for additional sensitivity of infants and children to residues of fenoxycarb, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure during prenatal development to one or both parents. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity. The pre- and post-natal toxicology data base for fenoxycarb is complete with respect to current toxicological data requirements. There are no pre- or post-natal toxicity concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the two-generation rat reproduction study. The NOEL for developmental toxicity in rats was 500 mg/kg/day, the highest dose tested. The NOEL for maternal toxicity in rats was also 500 mg/kg/day, the highest dose tested. In the rabbit developmental study, the developmental NOEL was 300 mg/kg/day, the highest dose tested, whereas the maternal toxicity NOEL/ lowest observed effect level (LOEL) in rabbits was 100/300 mg/kg/day based on decreased weight gain.

In the two-generation rat reproduction study, the parental NOEL was 10 mg/kg/day and the pup NOEL was 30 mg/kg/day. The parental LOEL was 30 mg/kg/day based on decreased weight gain and the pup LOEL was 90 mg/kg/day based on decreased weight gain and developmental delays. This study demonstrates that both the parental effects and the pup effects are the same and that parental rats are more sensitive than pups to the effects of fenoxycarb. There are no indications for post-natal sensitivity with respect to infants and children.

1. *Chronic risk.* Using the conservative exposure assumptions described above, taking into account the completeness and reliability of the toxicity data, EPA has concluded that aggregate dietary exposure to fenoxycarb will utilize <1% of the RfD for infants and children. EPA generally has no

concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to fenoxycarb in drinking water and from non-dietary, non-occupational exposure, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to fenoxycarb residues.

2. *Short- and intermediate-term risk.* At present, the aggregate MOEs for short- and intermediate-term risk are >1,000,000. The Agency typically considers dietary MOEs greater than 100 to be acceptable. Despite the potential for short- and intermediate-term exposure to fenoxycarb in drinking water and from indoor and outdoor residential use, the calculated MOEs (> 1,000,000) are well above the Agency's aggregate MOE level of concern.

This MOE calculation assumed TMRC dietary contributions, a value of 20% reserved for indoor and outdoor residential uses and considered a range of exposure contributions from drinking water. These assumptions result in a risk assessment which over-estimates dietary exposure and provides conservative estimates for contributions from drinking water and indoor and outdoor residential uses. The large aggregate MOE calculated for this use of fenoxycarb provides assurance that there is a reasonable certainty of no harm for infants and children.

F. Safety Factor Considerations

FFDCA section 408 provides that EPA shall apply an additional tenfold MOE (safety) for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different margin of exposure (safety) will be safe for infants and children. Margins of exposure (safety) are often referred to as uncertainty (safety) factors. EPA believes that reliable data support using the standard margin of exposure (usually 100x for combined inter- and intra-species variability) and not the additional tenfold margin of exposure when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE. Based on current toxicological data requirements, the database for fenoxycarb relative to pre-(provided by rat and rabbit developmental studies) and post-natal (provided by the rat reproduction study) toxicity is complete. The data indicate that exposure pre- and post-natally to fenoxycarb did not result in unusually toxic or severe effects and that parents were more sensitive to fenoxycarb than infants and children. The additional uncertainty factor is not needed to protect the safety of infants and children. EPA concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to fenoxycarb residues.

V. Other Considerations

There are no Mexican, Canadian, or Codex maximum residue levels established for residues of fenoxycarb on pears. There is a practical analytical method for detecting and measuring levels of fenoxycarb in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in these tolerances. EPA has provided information on this method to FDA. The method is available to anyone who is interested in pesticide residue enforcement from: By mail, Calvin Furlow, Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm 1128, 1921 Jefferson Davis Hwy., Arlington, VA 22202, 703–305–5805.

VI. Conclusion

Therefore, a tolerance in connection with the FIFRA section 18 emergency exemptions is established for residues of fenoxycarb in/on pears at 0.1 ppm.

VII. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new section 408(e) and (l)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which govern the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 24, 1997, file written objections to any aspect of this regulation (including the automatic revocation provision) and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issues on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the requestor (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

VIII. Public Docket

A record has been established for this rulemaking under docket control number [OPP–300476]. A public version of this record, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above, is kept in paper form. Accordingly, in the event

there are objections and hearing requests, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IX. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and, since this action does not impose any information collection requirements as defined by the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, it is not subject to review by the Office of Management and Budget. This action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), entitled Enhancing the Intergovernmental Partnership, or special consideration as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because FFDCA section 408(l)(6) permits establishment of this regulation without a notice of proposed rulemaking, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act, 5 U.S.C. 604(a), do not apply. Nonetheless, the Agency has previously assessed whether establishing tolerances or exemptions from tolerance, raising tolerance levels, or expanding exemptions adversely impact small entities and concluded, as a generic matter, that there is no adverse impact. (46 FR 24950, May 4, 1981).

Under 5 U.S.C. 801(a)(1)(A) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 16, 1997.

Stephen L. Johnson,

Acting Director, Office of Pesticide Programs.

Therefore, 40 CFR Chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. By adding § 180.504 as follows:

§ 180.504 Fenoxycarb; tolerances for residues.

(a) *General.* [Reserved]

(b) *Section 18 emergency exemptions.* A time-limited tolerance is established for residues of the insecticide fenoxycarb, ethyl(2-[4-phenoxyphenoxy]ethyl) carbamate, in or on the following commodity:

Commodity	Parts per million	Expiration/ Revocation Date
Pears	0.1	April 30, 1998

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 97–10749 Filed 4–24–97; 8:45 am]
BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 180, 185, and 186

[OPP–300468; FRL–5599–5]

RIN 2070–AB78

Imidacloprid; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document extends the effective date for the established time-limited tolerance for residues of the insecticide imidacloprid and its metabolites resulting from crop rotational practices in or on the food commodities of the cucurbit vegetables crop group. The Interregional Research Project (IR–4) requested this time extension under the Federal Food, Drug and Cosmetic Act, as amended by the Food Quality Protection Act of 1966.

DATES: This regulation is effective April 25, 1997. Submit written objections and hearing requests on or before June 24, 1997.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [OPP–300468; PP–5E4598], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Room M3708, 401 M St., SW., Washington, DC 20460. Fees accompanying objections and hearing requests shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of the objections and hearing requests to: Crystal Mall #2, Rm. 1132, 1921 Jefferson Davis Highway, Arlington, VA.

A copy of objections and hearing requests filed with the Hearing Clerk may also be submitted electronically to the OPP by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and hearing requests must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and hearing requests will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and hearing requests in electronic form must be identified by the document control number [OPP–300468; PP–5E4598]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic copies of objections and hearing requests on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit III. of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection

Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail: Crystal Station #1, Sixth Floor, 2800 Jefferson Davis Highway, Arlington, VA, 703–308–8783, e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 22, 1997, FRL–5583–3 (62 FR 3288), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, announcing the filing of an amendment to pesticide petition (PP–5E4598) for tolerance by the Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903. That notice included a summary of the petition prepared by Bayer Corporation, the registrant. There were no comments received in response to the notice of filing. The amended petition requested that 40 CFR 180.472 be amended by extending the effective date to expire on December 31, 1997, for the time-limited tolerance established for the indirect or inadvertent combined residues of the insecticide imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, resulting from crop rotational practices in or on the food commodities in the cucurbit vegetables crop group at 0.2 parts per million (ppm).

This tolerance will not support registration for imidacloprid on cucurbit vegetables. EPA will not consider applications for section 3 or section 24(c) registration for use of imidacloprid on cucurbit vegetables based on this time-limited tolerance. The tolerance will allow growers to produce cucurbit vegetables in rotation with crops that are treated in accordance with registered uses of imidacloprid. Imidacloprid registrations prohibit growers from planting crops that lack an imidacloprid tolerance on ground treated with the insecticide within a 12-month period. Crop rotational studies indicate that plant back crops grown in fields treated with imidacloprid may contain measurable amounts of the pesticide residue, if the rotational crop is planted within 12 months of application of the pesticide. In some areas, however, it is a common practice for growers to plant back cucurbit vegetables (melons, squash, and cucumbers) in fields that have been used to produce tomatoes and peppers. Imidacloprid is registered and tolerances are established for the fruiting vegetables crop group (including tomatoes and peppers).

IR–4 has submitted PP–6E4766, which proposes a permanent tolerance for residues of imidacloprid and its metabolites in or on the cucurbit vegetables crop group at 0.5 ppm. Although PP–6E4766 proposes a tolerance in support of registration for use of imidacloprid on cucurbit vegetables, the proposed tolerance, if established, will be adequate to cover indirect or inadvertent residues on cucurbits resulting from registered uses of imidacloprid. EPA's evaluation of PP–6E4766 was not completed in time to establish a permanent tolerance, prior to the December 31, 1996, expiration date for the time-limited tolerance. Therefore, EPA is extending the effective date for the time-limited tolerance for imidacloprid to expire December 31, 1997, to allow EPA additional time to review IR–4's petition for permanent tolerance for residues of imidacloprid on cucurbit vegetables.

In addition to the new tolerance being established, since for purposes of establishing tolerances the Food Quality Protection Act (FQPA), Pub. L. 104–170, has eliminated all distinctions between raw and processed food, EPA is combining the tolerances that now appear in § § 185.900 and 186.900 with the tolerances in § 180.472 and is eliminating § § 185.900 and 186.900

I. Determination of Safety

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of the FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue....''

A. Method of Determining Risks

1. Dietary exposure to residues of a pesticide in a food commodity are estimated by multiplying the average daily consumption of the food forms of that commodity by the tolerance level or the anticipated pesticide residue level. The theoretical maximum residue contribution (TMRC) is an estimate of the level of residues consumed daily if each food item contained pesticide residues equal to the tolerance. The TMRC is a ''worst case'' estimate since it is based on the assumption that food contains pesticide residues at the tolerance level and that 100% of the crop is treated by pesticides that have established tolerances. If the TMRC exceeds the reference dose (RfD) or poses a lifetime cancer risk that is greater than approximately 1 in 1 million, EPA attempts to derive a more accurate exposure estimate for the pesticide by evaluating additional types of information (anticipated residue data and/or percent of crop treated data) which show, generally, that pesticide residues in most foods when they are eaten are well below established tolerances and that the total acreages for all crops with established tolerances are seldom treated with the pesticide.

2. The RfD is assumed to be the exposure at or below which daily aggregate exposure over a lifetime will not pose an appreciable risk to human health. To assure the adequacy of the RfD, the Agency uses an uncertainty factor in deriving it. The factor is usually 100, based on the assumption that certain segments of the human population could be as much as 100 times more sensitive than the species represented by the toxicology data. The aggregate daily exposure to a pesticide residue at or below the RfD (expressed as l00% of the RfD) is generally considered acceptable by EPA.

3. Lifetime feeding studies in two species of laboratory animals are conducted to screen pesticides for cancer effects. If the pesticide is determined to be a human carcinogen, the toxicological endpoint must be determined based on the nature of the carcinogenic response and a knowledge of its mode of action. The Agency uses a weight of evidence approach in classifying the potential of the pesticide as a human carcinogen.

4. In addition to assessing long-term, chronic exposure to pesticide residues in food, the Agency also evaluates single day or single event, acute exposure. Acute dietary exposure to residues of a pesticide in a food commodity is estimated by multiplying individual, single-day consumption estimates of that food by the tolerance level or the anticipated pesticide residue level. Each individual's daily exposure to a pesticide is the sum of the food commodities that individual consumed on that given day multiplied by the residue assumed to be present on each food commodity consumed. Using this

method, a distribution of possible daily exposures for a given population is established.

5. From this distribution, an upper-end estimate of exposure is chosen and compared to the most sensitive no-observed-effect level (NOEL) from studies relating to the toxicological effect of acute concern (usually developmental toxicity or neurotoxicity) to derive a margin of exposure (MOE). The MOE is a measure of the level of safety that exists between the estimated exposure to a highly exposed individual and the level below which effects were observed in the available toxicological studies. As with chronic exposure estimates, residue and percent of crop treated refinements are incorporated to derive a more accurate exposure estimate when risks calculated using ''worst case'' assumptions exceed risk levels of concern

B. Toxicological Study Summaries

The toxicological data considered in support of the tolerance include:

1. A 1-year chronic feeding study in dogs fed diets containing 0, 200, 500, or 1,250/2,500 ppm (average intake was 0, 6.1, 15, or 41/72 milligrams (mg)/kilogram (kg)/day) with a NOEL of 1,250 based on increased plasma cholesterol and liver cytochrome P–450 levels in dogs at the 2,500 ppm dose level. The high dose was increased to 2,500 ppm (72 mg/kg/day) from week 17 onward due to lack of toxicity at the 1,250-dose level.

2. A 2-year feeding/carcinogenicity study in rats fed diets containing 0, 100, 300, 900, or 1,800 ppm with a NOEL for chronic effects at 100 ppm (5.7 mg/kg/day in males, 7.6 mg/kg/day in females) that included decreased body weight gain in females at 300 ppm (24.9 mg/kg/day) and above, and increased thyroid lesions in males at 300 ppm (16.9 mg/kg/day) and above, and in females at 900 ppm (73 mg/kg/day) and above. There were no apparent carcinogenic effects under the conditions of the study.

3. A 2-year carcinogenicity study in mice fed diets containing 0, 100, 330, 1,000, or 2,000 ppm with a NOEL of 1,000 ppm (208 mg/kg/day in males, 274 mg/kg/day in females) based on decreased food consumption and decreased water intake at the 2,000 ppm dose level. There were no apparent carcinogenic effects observed under the conditions of this study.

4. A three-generation reproduction study with rats fed diets containing 0, 100, 250, or 700 ppm with a reproductive NOEL of 100 ppm (equivalent to 8 mg/kg/day based on decreased pup body weight observed at the 250 ppm dose level).

5. A developmental toxicity study in rats given gavage doses at 0, 10, 30, or 100 mg/kg/day during gestation days 6 to 16 with a NOEL for developmental toxicity at 30 mg/kg/day based on increased wavy ribs observed at the 100 mg/kg/day dose level.

6. A developmental toxicity study in rabbits given gavage doses at 0.8, 24, or 72 mg/kg/day during gestation days 6 through 19 with a NOEL for developmental toxicity at 24 mg/kg/day based on decreased body weight and increased skeletal abnormalities observed at the 72 mg/kg/day dose level.

7. Imidacloprid was negative for mutagenic effects in all but 2 of 23 mutagenic assays. Imidacloprid tested positive for chromosome abberations in an *in vitro* cytogenic study with human lymphocytes for the detection of induced clastogenic effects, and for genotoxicity in an *in vitro* cytogenetic assay measuring sister chromatid exchange in Chinese hamster ovary cells.

C. Toxicological Endpoints

1. *Dietary*—i. *Chronic toxicity.* The RfD for imidacloprid is established at 0.057 mg/kg/day. The RfD is established based on a 2-year feeding/carcinogenicity study in rats with a NOEL of 5.7 mg/kg/day and an uncertainty factor of 100. The lowest-observed-effect level (LOEL) of 16.9 mg/kg/day is based on increased thyroid lesions in males.

ii. *Acute toxicity.* EPA has determined that an NOEL of 24 mg/kg/day from a developmental toxicity study in rabbits should be used to assess acute toxicity. A decrease in body weight, an increases in resorptions, abortions, and skeletal abnormalities were observed at the LOEL of 72 mg/kg/day. The population of concern for this risk assessment are females 13+ years old.

iii. *Cancer risk.* Using its Guidelines for Carcinogen Risk Assessment published in the **Federal Register** on September 24, 1986 (51 FR 33992), EPA has classified imidacloprid as a Group E carcinogen (''no evidence of carcinogenicity for humans''—based on the results of carcinogencity studies in two species). The doses tested are adequate for identifying a cancer risk. Thus, cancer risk assessments are not appropriate for imidacloprid.

2. *Non-Dietary—Short- and intermediate-term risk.* No effects were observed at the highest dose tested (0.191 mg/liter (L)) in a 28-day inhalation study in rats and no systemic toxicity was observed at dose levels up to 1,000 mg/kg/day in a 21-day dermal toxicity study in rabbits.

D. Aggregate Exposures and Risks

1. *From food and feed uses.* i. Tolerances have been established (40 CFR 180.472) for the combined residues of imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing 6-chloropyridinyl moiety expressed in or on certain food commodities ranging from 0.02 ppm in eggs to 3.5 ppm in Brassica vegetable crop group (cabbage, chinese cabbage, and kale) and head and leaf lettuce.

ii. In conducting this exposure assessment, EPA has made very conservative assumptions—100% of cucurbits and all other commodities having imidacloprid tolerances will contain imidacloprid tolerances residues and those residues would be at the level of the tolerance—which result in an overestimate of human dietary exposure. Thus, in making a safety determination for this tolerance, EPA is taking into account this conservative exposure assessment.

iii. The existing imidacloprid tolerances (published, pending, and including the current time-limited tolerance for cucurbits) result in a TMRC that is equivalent to the following percentages of the RfD:

U.S Population	16%
Nursing Infants	12%
Non-Nursing Infants (<1 year old).	31%
Children (1–6 years old)	32%
Children (7–12 years old)	24%

2. *From drinking water.* i. In examining aggregate exposure, FQPA, directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures. The primary non-food sources of exposure the Agency looks at include drinking water (whether from groundwater or surface water), and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

ii. Based on the available studies used in EPA's assessment of environmental risk, imidacloprid is persistent and could potentially leach into groundwater, and run off to surface water under certain environmental conditions. There is no established maximum concentration level (MCL) for residues of imidacloprid in drinking water. No drinking water health advisories have been issued for imidacloprid. The ''Pesticides in

Groundwater Database'' (EPA 734–12–92–001, September 1992) has no information concerning imidacloprid.

iii. Because the Agency lacks sufficient water-related exposure data to complete a comprehensive drinking water risk assessment for many pesticides, EPA has commenced and nearly completed a process to identify a reasonable yet conservative bounding figure for the potential contribution of water related exposure to the aggregate risk posed by a pesticide. In developing the bounding figure, EPA estimated residue levels in water for a number of specific pesticides using various data sources. The Agency then applied the estimated residue levels, in conjunction with appropriate toxicological endpoints (RfD's or acute dietary NOEL's) and assumptions about body weight and consumption, to calculate, for each pesticide, the increment of aggregate risk contributed by consumption of contaminated water. A more detailed description of this analysis is included in the docket for this rulemaking. While EPA has not yet pinpointed the appropriate bounding figure for consumption of contaminated water, the ranges the Agency is continuing to examine are all well below the level that would cause imidacloprid to exceed the RfD if the tolerance being considered in this document were granted. The Agency has therefore concluded that the potential exposures associated with imidacloprid in water, even at the higher levels the Agency is considering as a conservative upper bound, would not prevent the Agency from determining that there is a reasonable certainty of no harm if the tolerance is granted.

3. *From non-dietary uses.* i. Imidacloprid is currently registered for use on the following non-food sites: turf, ornamentals, buildings for termite control, and cats and dogs for flea control.

ii. A residential exposure and risk assessment for imidacloprid use on turfgrass was recently conducted by EPA in conjunction with the reregistration of imidacloprid. Dermal and inhalation exposures were measured using volunteers who performed a choreographed exercise routine on a turf plot treated with imidacloprid at the maximum registered rate. Dermal levels were measured using whole body dosimetry. Using the NOEL of 1,000 mg/kg/day from the dermal toxicity study in rabbits, an MOE corresponding to an upper bound risk of 7,587 was calculated for 10 year old and 6,858 for 5 year old children. Inhalation levels were measured using quartz microfiber filters connected by polyvinylchloride tubing to portable air sampling pumps. Specific toxicological endpoints of concern for inhalation exposure have not been identified by EPA. However, in the rat sub-acute inhalation study (28-day study in which rats were exposed 6 hours/day, 5 days a week for 4 weeks) the no-observable-effect concentration (NOEC) for imidacloprid was 5.5 mg/m^3. This NOEC is approximately 800 times the concentration recorded in the immediate vicinity of the volunteers during the performance of their exercise routine. The analysis concluded that ''...risks to children are negligible from imidacloprid-treated turf as soon as the spray has dried.''

iii. An exposure and risk assessment for the termiticide use of imidacloprid was also conducted by EPA. Conservative estimates of maximum air concentrations to which humans could be exposed and continuous exposure (24 hours per day) were assumed in calculating MOEs. Adult exposure was calculated at 1.24×10^{-5} mg/kg/day and infant exposure at 3.3×10^{-5} mg/kg/day. As noted above, specific toxicological endpoints of concern for inhalation exposure have not been identified by EPA. For calculating MOEs, the sub-acute rat inhalation study was used which had a NOEL of 0.191 mg/L, the highest dose tested (corresponding to 43.08 mg/kg/day). Based on the exposures and using this NOEL, MOEs of 3.4×10^6 and 1.3×10^6 were calculated for adults and children, respectively.

4. *Cumulative exposure to substances with common mechanism of toxicity.* i. Section 408(b)(2)(D)(v) of the FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency believes that ''available information'' in this context might include not only toxicity, chemistry, and exposure data, but also scientific policies and methodologies for understanding common mechanisms of toxicity and conducting cumulative risk assessments. For most pesticides, although the Agency has some information in its files that may turn out to be helpful in eventually determining whether a pesticide shares a common mechanism of toxicity with any other substances, EPA does not at this time have the methodologies to resolve the complex scientific issues concerning common mechanism of toxicity in a meaningful way. EPA has begun a pilot process to study this issue further through the examination of particular classes of pesticides. The Agency hopes that the results of this pilot process will increase the Agency's scientific understanding of this question such that EPA will be able to develop and apply scientific principles for better determining which chemicals have a common mechanism of toxicity and evaluating the cumulative effects of such chemicals. The Agency anticipates, however, that even as its understanding of the science of common mechanisms increases, decisions on specific classes of chemicals will be heavily dependent on chemical specific data, much of which may not be presently available.

ii. Although at present the Agency does not know how to apply the information in its files concerning common mechanism issues to most risk assessments, there are pesticides as to which the common mechanism issues can be resolved. These pesticides include pesticides that are toxicologically dissimilar to existing chemical substances (in which case the Agency can conclude that it is unlikely that a pesticide shares a common mechanism of activity with other substances) and pesticides that produce a common toxic metabolite (in which case common mechanism of activity will be assumed).

iii. EPA does not have, at this time, available data to determine whether imidacloprid has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. For the purposes of this tolerance action, therefore, EPA has not assumed that imidacloprid has a common mechanism of toxicity with other substances.

E. Determination of Safety for U.S. Population

1. *Chronic risk.* Using the conservative exposure assumptions described above, taking into account the completeness and reliability of the toxicity data, EPA has concluded that aggregate dietary exposure to imidacloprid will utilize 16% of the RfD for the U.S. population. EPA generally has no concern for exposures below 100% of the RfD because the RfD represents the level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to human health. Despite the potential for exposure to imidacloprid in drinking water, EPA does not expect the aggregate exposure to exceed 100% of the RfD. EPA concludes that there is a reasonable certainty that no harm will

result from aggregate exposure to imidacloprid residues.

2. *Acute risk.* For the population subgroup of concern, females 13+ and older (accounts for both maternal and fetal exposure), the calculated MOE value is 480. This MOE does not exceed the Agency's level of concern for acute dietary exposure.

F. Determination of Safety For Infants and Children

In assessing the potential for additional sensitivity of infants and children to residues of imidacloprid, EPA considered data from developmental toxicity studies in the rat and rabbit and a two-generation reproduction study in the rat. The developmental toxicity studies are designed to evaluate adverse effects on the developing organism resulting from pesticide exposure to female test animals. Reproduction studies provide information relating to effects from exposure to the pesticide on the reproductive capability of mating animals and data on systemic toxicity.

In the rat developmental study, the maternal (systemic) NOEL was 30 mg/kg/day, based on decreased weight gain at the LOEL of 100 mg/kg/day. The developmental (fetal) NOEL was 30 mg/kg/day based on increased wavy ribs at the LOEL of 100 mg/kg/day. In the rabbit developmental study, the maternal (systemic) NOEL was 24 mg/kg/day, based on decreased body weight, increased resorptions and abortions, and death at the LOEL of 72 mg/kg/day. The developmental (fetal) NOEL was 24 mg/kg/day, based on decreased body weight and increased skeletal anomalies at the LOEL of 72 mg/kg/day.

In the rat developmental study, the developmental (fetus) and maternal (mother) NOELs occur at the same dose level, 24 mg/kg/day. The same response is seen in the rabbit developmental study with the developmental (fetus) and maternal (mother) NOELs occurring at same dose level of 30 mg/kg/day. This suggests that there are no special prenatal sensitivities for unborn children in the absence of maternal toxicity. However, a detailed analysis of the developmental studies indicates that the skeletal findings (wavy ribs and other anomalies) in both the rat and rabbit fetuses are severe malformations which occurred in the presence of slight toxicity (decreases of body weight) in the maternal animals. Additionally, in rabbits, there were resorptions and abortions which can be attributed to acute maternal exposure. This information has been interpreted by the Toxicology Endpoint Selection Committee (TESC) as indicating a potential acute dietary risk for pre-natally exposed infants.

In the two-generation rat reproduction study, the maternal NOEL is 55 mg/kg/day and the NOEL for decreased pup body weight during lactation is 8 mg/kg/day with the LOEL at 19 mg/kg/day. This study shows that adverse postnatal development of pups occurs at levels (19 mg/kg/day) which are lower than the NOEL for the parental animals (55 mg/kg/day). Therefore, the pups are more sensitive to the effects of imidacloprid than parental animals. The pup NOEL of 8 mg/kg/day in the reproduction study is 1.4 times greater than the NOEL of 5.7 from the 2-year rat feeding study which was the basis of the RfD. The TMRC value for the most highly exposed infant and children subgroup (children 1–6 years old) occupies 32% of the RfD.

1. *Chronic risk.* Using the conservative exposure assumptions described above, EPA has concluded that the percent of the RfD that will be utilized by aggregate exposure to residues of imidacloprid ranges from 12% for nursing infants, up to 32% for children 1–6 years old. Therefore, taking into account the completeness and reliability of the toxicity data and the conservative exposure assessment, EPA concludes that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to imidacloprid residues.

2. *Acute risk.* i. At present, the acute dietary MOE for females 13+ years old (accounts for both maternal and fetal exposure) is 480. This MOE calculation was based on the developmental NOEL in rabbits of 24 mg/kg/day. Maternal effects observed at the lowest-effect level (LEL) of 72 mg/kg/day included decreased body weight and increased resorptions and abortions. Fetal effects observed at the LEL of 72 mg/kg/day included an increase in skeletal abnormalities. This risk assessment also assumed 100% crop treated with tolerance level residues on all treated crops consumed, resulting in a significant over-estimate of dietary exposure. The large acute dietary MOE calculated for females 13+ years old provides assurance that there is a reasonable certainty of no harm for both females 13+ years and the pre-natal development of infants.

ii. FFDCA section 408 provides that EPA shall apply an additional tenfold MOE (safety) for infants and children in the case of threshold effects to account for pre-and post-natal toxicity and the completeness of the database unless EPA determines that a different MOE (safety) will be safe for infants and children. Margins of exposure (safety) are often referred to as uncertainty (safety) factors. EPA believes that reliable data support using the standard MOE (usually 100x for combined inter- and intra-species variability) and not the additional tenfold MOE when EPA has a complete data base under existing guidelines and when the severity of the effect in infants or children or the potency or unusual toxic properties of a compound do not raise concerns regarding the adequacy of the standard MOE. Based on current toxicological data requirements, the database for imidacloprid relative to pre- (provided by rat and rabbit developmental studies) and post-natal (provided by the rat reproduction study) toxicity is complete. Further, as noted above, the acute dietary MOE for women 13+ years or older is 480. This large MOE demonstrates that the prenatal exposure to infants is not a toxicological concern at this time, and the additional uncertainty factor is not needed to protect the safety of infants and children.

iii. Both chronic and acute dietary exposure risk assessments assume 100% crop treated and use tolerance level residues for all commodities. Refinement of these dietary risk assessments by using percent crop treated and anticipated residue data would greatly reduce dietary exposure. Therefore, both of these risk assessments are also an over-estimate of dietary risk. Consideration of anticipated residues and percent crop treated would likely result in an anticipated residue contribution (ARC) which would occupy a percent of the RfD that is likely to be significantly lower than the currently calculated TMRC value. Additionally, the acute dietary MOE would be greater than the current MOE. This provides an adequate safety factor for children during the prenatal and postnatal development.

iv. It is unlikely that the dietary risk will exceed 100% of the RfD or that the acute MOE would be less than the currently calculated value if, in the future, an additional safety factor is deemed appropriate, when considered in conjunction with a refined exposure estimate. Therefore, EPA concludes that there is reasonable certainty that no harm will result to infants and children from aggregate exposure to imidacloprid residues.

G. Other Considerations

1. *Endocrine effects.* An evaluation of the potential effects on the endocrine systems of mammals has not been determined; however, no evidence of such effects were reported in the

chronic toxicology studies described above. There were no observed pathology of the endocrine organs in these studies. There is no evidence at this time that imidocloprid causes endocrine effects.

2. *Metabolism in plants and animals.* The metabolism of imidacloprid in plants and animals is adequately understood for the purposes of these tolerances. The residues of concern in plants and animals are combined residues of imidacloprid and its metabolites containing the 6-chloro-pyridinyl moiety, all calculated as imidacloprid (as stated in 40 CFR 180.472). Adequate methods are available for the determination of the regulated imidacloprid residues.

3. *Analytical method.* There is a practical analytical method for detecting and measuring levels of imidocloprid and its metabolites in or on food with a limit of detection that allows monitoring of food with residues at or above the levels set in this tolerance. The proposed analytical method for determining residues is Bayer method 00200 for imidacloprid residues on plants and Bayer method 00191 for imidacloprid residues in animal tissues and milk. Copies of these methods have been forwarded to Food and Drug Administration (FDA) for publication in PAM Volume II. Both of these methods are common moiety GC-MS methods. EPA has provided information on this method to FDA. Because of the long lead time from establishing these tolerances to publication, the enforcement methodology is being made available in the interim to anyone interested in pesticide enforcement when requested by mail from: Calvin Furlow, Public Response Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Crystal Mall #2, Rm. 1130A, 1921 Jefferson Davis Highway, Arlington, VA, 703– 305–5937.

4. *International tolerances.* There are no Mexican, Canadian, or Codex Alimentarius Commission (Codex) maximum residue levels and/or tolerances established for residues of imidacloprid on cucurbits.

II. Objections and Hearing Requests

The new FFDCA section 408(g) provides essentially the same process for persons to ''object'' to a tolerance regulation issued by EPA under new FFDCA section 408(e) and (1)(6) as was provided in the old section 408 and in section 409. However, the period for filing objections is 60 days, rather than 30 days. EPA currently has procedural regulations which governs the submission of objections and hearing requests. These regulations will require some modification to reflect the new law. However, until those modifications can be made, EPA will continue to use those procedural regulations with appropriate adjustments to reflect the new law.

Any person may, by June 24, 1997, file written objections to any aspect of this regulation (including the automatic revocation provision) and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP Docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as ''Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

III. Public Record

A record has been established for this rulemaking under document control number [OPP–300468; PP–5E4598]. A public version of this record, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operation Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

The official record for this rulemaking, as well as the public version, as described above, is kept in paper form. Accordingly, in the event there are objections and hearing requests, EPA will transfer any copies of objections and hearing requests received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IV. Regulatory Assessment Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and since this action does not impose any information collection requirements subject to approval under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, it is not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty, or contain any ''unfunded mandates'' as described in Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation as specified by Executive Order 12875 (58 FR 58093, October 28, l993), or special considerations as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because tolerances established on the basis of a petition under section 408(d) of FFDCA do not require issuance of a proposed rule, the regulatory flexibility analysis requirements of the Regulatory Flexibility Act (RFA), 5 U.S.C. 604(a), do not apply. Prior to the recent amendment of the FFDCA, EPA had treated such rulemakings as subject to the RFA; however, the amendments to the FFDCA clarify that no proposal is required for such rulemakings and hence that the RFA is inapplicable. Nonetheless, the Agency has previously assessed whether establishing tolerances or exemptions from tolerance, raising tolerance levels, or expanding exemptions adversely impact small entities and concluded, as a generic matter, that there is no adverse impact. (46 FR 24950, May 4, 1981).

Under 5 U.S.C. 801(a)(1)(A) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Title II of Pub. L. 104–121, 110 Stat. 847), EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of the rule in today's **Federal Register**. This rule is not a major rule as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Parts 180, 185, and 186

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: April 16, 1997.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 346a and 371.

2. Section 180.472 is revised to read as follows:

§ 180.472 Imidacloprid; tolerances for residues.

(a) *General.* Tolerances are established permitting the combined residues of the insecticide imidacloprid (1-[6-chloro-3-pyridinyl) methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, in or on the following food commodities:

Commodities	Parts per million	Expiration/ Revocation date
Apples	0.5	None
Apples, pomace (wet)	3.0	None
Barley, forage	1.5	November 28, 1998
Barley, grain	0.05	November 28, 1998
Barley, straw	0.2	November 28, 1998
Beet roots	0.3	November 29, 1997
Beet tops	3.5	November 29, 1997
Beets, sugar (roots)	0.05	August 24, 1998
Beets, sugar (tops)	0.1	August 24, 1998
Beets, sugar, molasses	0.3	August 24, 1998
Brassica vegetables crop group	3.5	None
Canola	0.05	None
Cattle, fat	0.3	None
Cattle, mbyp	0.3	None
Cattle, meat	0.3	None
Cotton, gin by-products	4.0	None
Cottonseed	6.0	None
Cottonseed meal	8.0	None
Eggs	0.02	None
Fruiting vegetables crop group	1.0	None
Goats, fat	0.3	None
Goats, mbyp	0.3	None
Goats, meat	0.3	None
Grape, juice	1.5	None
Grape, pomace (wet or dried)	5.0	None
Grape, raisin	1.5	None
Grape, raisin waste	15.0	None
Grapes	1.0	None
Hogs, fat	0.3	None
Hogs, mbyp	0.3	None
Hogs, meat	0.3	None
Hops, dried	6.0	None
Horses, fat	0.3	None
Horses, mbyp	0.3	None
Horses, meat	0.3	None
Leafy greens subgroup	3.5	None
Lettuce, head and leaf	3.5	None
Mango	0.2	None
Milk	0.1	None
Pome fruits crop group	0.6	None
Potato, chip	0.4	None
Potato, waste	0.9	None
Potatoes	0.3	None
Poultry, fat	0.05	None
Poultry, mbyp	0.05	None
Poultry, meat	0.05	None
Sheep, fat	0.3	None
Sheep, mbyp	0.3	None
Sheep, meat	0.3	None
Sorghum, forage	0.1	November 17, 1997
Sorghum, straw	0.1	November 17, 1997
Sorghum, grain	0.05	November 17, 1997
Tomato, paste	6.0	None
Tomato, pomace (wet or dried)	4.0	None
Tomato, puree	3.0	None
Turnip roots	0.3	November 29, 1997
Turnip tops	3.5	November 29, 1997
Wheat, forage	7.0	August 24, 1998
Wheat, grain	0.05	August 24, 1998
Wheat, straw	0.3	August 24, 1998

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* Tolerances are established for indirect or inadvertent combined residues of the insecticide imidacloprid (1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine) and its metabolites containing the 6-chloropyridinyl moiety, all expressed as 1-[(6-chloro-3-pyridinyl)methyl]-*N*-nitro-2-imidazolidinimine, when present therein as a result of the application of the pesticide to growing crops listed in this section and other non-food crops as follows:

Commodities	Parts per million	Expiration/ Revocation date
Vegetables, cucurbit	0.2	December 31, 1997

PART 185—[AMENDED]

1. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

§ 185.900 [Removed]

2. Section 185.900 is removed.

PART 186—[AMENDED]

1. The authority citation for part 186 continues to read as follows:

Authority: 21 U.S.C. 342, 348, and 701.

§ 186.900 [Removed]

2. Section 186.900 is removed.

[FR Doc. 97–10725 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5814–8]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Conklin Dumps site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) Region II announces the deletion of the Conklin Dumps site from the National Priorities List (NPL). The NPL is codified as Appendix B of 40 CFR Part 300. It is part of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended. EPA and the State of New York have determined that all appropriate Hazardous Substance Response Trust Fund (Fund)-financed responses under CERCLA have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the State of New York have determined that remedial actions conducted at the site to date have been protective of public health, welfare, and the environment.

EFFECTIVE DATE: May 2, 1997.

ADDRESSES: Arnold R. Bernas, P.E., Remedial Project Manager, U.S. Environmental Protection Agency, Region II, 290 Broadway, 20th Floor, New York, NY 10007–1866.

FOR FURTHER INFORMATION CONTACT: Arnold R. Bernas at (212) 637–3964.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Conklin Dumps site, Town of Conklin, New York. The closing date for comments on the Notice of Intent to Delete the site from the NPL was March 12, 1997. EPA did not receive any comments during the comment period; therefore, EPA has not prepared a Responsiveness Summary.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.66(c)(8) of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede EPA efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: April 7, 1997.

Jeanne Fox,

Regional Administrator.

40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

1. The authority citation for part 300 continues to read as follows:

Authority: 33 U.S.C. 1321(c)(2); 42 U.S.C. 9601–9657; E.O. 12777, 56 FR 54757, 3 CFR, 1991 Comp.: p. 351; E.O. 12580, 52 FR 2923, 3 CFR, 1987 Comp.: p. 193.

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing ''Conklin Dumps'', the site for Conklin, New York.

[FR Doc. 97–10512 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 32

[CC Docket No. 93–240; FCC 97–80]

Accounting for Judgments and Other Costs Associated With Litigation

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On March 13, 1997, the Commission adopted a Report and Order (''Order'') (FCC 97–80, CCB released March 13, 1997) establishing what accounting rules and ratemaking policies should apply to litigation costs incurred by carriers subject to the Commission's rules.

A fundamental requirement of Title II of the Communications Act of 1934, as amended, is that ''all charges * * * for and in connection with [interstate] communication service, shall be just and reasonable.'' This provision safeguards consumers against rates that are unreasonably high and guarantees carriers that they will not be required to charge rates that are so low as to be confiscatory. Carriers under the Commission's jurisdiction must be allowed to recover the reasonable costs of providing service to ratepayers, including reasonable and prudent expenses and a fair return on investment. This fundamental requirement is unchanged by the Telecommunications Act of 1996.

The Commission has proposed and adopted accounting rules that would: Require carriers to account for adverse antitrust judgments and post-judgment antitrust settlements below the line in Account 7370, a nonoperating account for special charges; defer other antitrust litigation expenses during the pendency of antitrust litigation; and account for the expenses below the line in the event of an adverse judgment of a post-judgment settlement.

EFFECTIVE DATE: May 27, 1997.

FOR FURTHER INFORMATION CONTACT: Thomas David, Attorney/Advisor, Accounting and Audits Division, Common Carrier Bureau, (202) 418–7116.

SUPPLEMENTARY INFORMATION: We conclude that rules are still needed for federal antitrust judgments and settlements that exceed the avoided costs of litigation of the case, but not for litigation expenses. We further conclude that extension of the rules to litigation unrelated to federal antitrust litigation is not warranted at this time.

Regulatory Flexibility Analysis

In the *NPRM* (50 FR 19421, May 8, 1985) Amendment of the Uniform System of Accounts for Class A and Class B Telephone Carriers to Account for Judgments and Other Costs Associated with Antitrust Lawsuits, and Conforming Amendments to the Annual Report Form M, CC Docket No. 85–64, *Notice of Proposed Rulemaking,* 2 FCC Rcd 3241 (1985), the Commission certified that the Regulatory Flexibility Act (RFA) of 1980 did not apply to this rulemaking because the rules it proposed to adopt in this proceeding would not have a significant impact on a substantial number of small businesses. The Commission's RFA in this Report and Order (Accounting for Judgments and Other Costs Associated with Litigation, *Report and Order,* CC Docket No. 93–240, FCC 97–80 (1997)) conforms to the RFA, as amended by the Contract With America Advancement Act of 1996 (CWAAA), Public Law 104–121, 110 Stat. 847 (1996). No comments were received specifically concerning the proposed certification. However, some comments were received generally concerning the impact of the proposed rules on small entities. For the reasons stated below, we certify that the rules adopted herein will not have a significant economic impact on a substantial number of small entities. This certification conforms to the Regulatory Flexibility Act (''RFA''), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA'').

The *NPRM* certified that no regulatory flexibility analysis was required because

the entities affected by the proposed rules were either large corporations, affiliates of such corporations, or were dominant in their field of operations and therefore not small entities. However, the rules we adopt in this *Report and Order* apply to all carriers providing interstate services, some of which may be small entities. Moreover, since the *NPRM,* we have stated that although we still consider small incumbent LECs to be dominant in their field of operations, we now include such companies in our regulatory flexibility analyses. Consequently, we cannot certify that no regulatory flexibility analysis is required for the reasons offered in the Notice.

Nonetheless, we still certify that no regulatory flexibility analysis is necessary here. As the two parties commenting on small entity issues observed, it is unlikely that a substantial number of small LECs will be subject to federal antitrust litigation. Consequently, it does not appear that the rules will affect a substantial number of small entities. Even if a substantial number of small entities were affected by the rules, there would not be a significant economic impact on those entities. These rules govern the accounting treatment of federal antitrust judgments and settlements in excess of the avoid costs of litigation, but not litigation expenses. BellSouth, in commenting on small entity issues, contended that the proposed rule, which would have required all carriers, including small, to accrue litigation costs in a separate account and record them below the line if the carrier lost its legal action, would be unduly burdensome on small LECs. This *Report and Order* does not adopt that proposal, thereby eliminating this concern.

We therefore certify pursuant to section 605(b) of the RFA that the rules adopted in this order will not have a significant economic impact on a substantial number of small entities. The Commission will publish this certification in the **Federal Register**, and will provide a copy of the certification to the Chief Counsel for Advocacy of the SBA. The Commission will also include the certification in the report to Congress pursuant to the SBREFA.

Report to Congress. The Secretary shall send a copy of this Final Regulatory Flexibility Analysis, along with this *Report and Order,* in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. § 801(a)(1)(A). A copy of this Final Regulatory Flexibility Analysis shall also be published in the **Federal Register**.

Summary of Report and Order

Historically, the Commission allowed carriers to record litigation expenses in above-the-line accounts and retained the option of disallowing such costs on an *ad hoc* basis in ratemaking proceedings. Litigation tended to arise from contract disputes, tort liability for accidents, or worker's compensation claims, which were viewed as matters arising out of the ordinary course of business. Penalties and fines paid on account of violations of statutes, however, were recorded below the line.

In the 1970's, government and private antitrust litigation involving AT&T and other carriers subject to the Commission's jurisdiction increased substantially. Anticipating the need to determine whether the large sums AT&T spent defending these antitrust suits should be charged to ratepayer or shareholders, the Commission initiated a Notice of Inquiry in 1979 (*Notice of Inquiry* 70 FCC 2d 1961, 1961–62 (1979) to develop a policy of general applicability so that it could avoid having to make this determination in each future rate proceeding. The Commission concluded that tariff and rate case review mechanisms provided suitable fora for identifying and disallowing such costs. Additionally, however, the Commission asked the Telecommunications Industry Advisory Group that was rewriting the Uniform Systems of Accounts for telephone companies whether more detailed accounts or reports for litigation expenses were needed.

The Commission revisited the question after the substantial treble damages antitrust judgment in the *Litton Systems case* (*See Litton Systems, Inc.* v. *American Tel. and Tel. Co.*, 700 F.2d 785 (2d Cir. 1983), *cert denied,* 464 U.S. 1073 (1984) became final against AT&T and its former subsidiaries, the regional Bell operating companies. The Commission ordered AT&T and the regional Bell operating companies to record the *Litton Systems* judgment below-the-line in the nonoperating account used for penalties and fines for violating statutes, and it further ordered that they credit the operating accounts in which they had carried their defense costs and reclassify these costs to the same nonoperating account in which the judgment was to be recorded. Although this was only an accounting change, this change presumptively removed these costs from the ratemaking process. After the Commission denied reconsideration, the carriers sought judicial review of accounting treatment and resulting presumption for their litigation expenses. They did not challenge the treatment of the antitrust judgment or the interest thereon.

The Commission also conducted a rulemaking proceeding to clarify the accounting treatment of litigation costs incurred in both antitrust lawsuits and other lawsuits in which violation of any federal law was alleged (*see* Notice of Proposed Rule Making to Amend Part 31 Uniform System of Accounts for Class A and Class B Telephone Carriers to Account for Judgments and Other Costs Associated with Antitrust Lawsuits, and Conforming Amendments to the Annual Report Form M, CC Docket No. 85–64, *Notice of Proposed Rulemaking,* FCC 85–120 (released May 3, 1985) (*Litigation Costs NPRM*); *Report and Order,* 2 FCC Rcd 3241 (1987) (*Litigation Costs Order*); *recon. in part,* 4 FCC Rcd 4092 (1989) (*Litigation Costs Recon. Order*) (collectively, *Litigation Costs Proceeding*), *vacated and remanded sub nom. Mountain States Tel. and Tel. Co.* v. *FCC,* 939 F.2d 1035 (D.C. Cir. 1991) (*Litigation Costs Decision*). It concluded that payments incurred as a result of adverse antitrust judgments or post-judgment settlements should be recorded below the line in a nonoperating account, but allowed ratemaking recognition of the saved litigation expenses of the suit (*See Litigation Costs Recon. Order,* 4 FCC Rcd at 4097–98). The ongoing costs of defending the litigation would continue to be recorded in an operating account as accrued but would be transferred to a nonoperating account when a judgment adverse to the carrier became final or if a settlement were entered after an adverse judgment. This accounting treatment was extended to litigation costs arising from alleged violations of any federal law. As with the *Litton Accounting Order,* this treatment presumptively removed from the ratemaking process the litigation costs other than certain pre-judgment settlement costs arising from a carrier's violation of antitrust and other federal laws, and shifted to the carriers the burden of showing the reasonableness of including such costs in their revenue requirements. This, too, was challenged.

The Court of Appeals for the District of Columbia Circuit vacated both Commission orders on the same day and remanded each case for further proceedings. In *Litton Accounting Appeal,* the court was not persuaded that the illegality of the underlying carrier conduct was a sufficient reason, by itself, for exclusion of the litigation defense expenses from ratemaking and admonished the Commission to scrutinize the reasonableness of the expenses with ''a wider and more

discriminating focus.'' The court also found that the Commission's policy was not sufficiently explained.

In *Litigation Costs Decision,* (939 F.2d at 1042), the court remanded the Commission's *Litigation Costs Proceeding* because: (1) The Commission did not adequately justify application of the rules to violations of federal law other than antitrust law; and (2) the Commission did not sufficiently consider the probable effects of its rule on the companies' incentives to either settle or litigate lawsuits. The court also stated that the Commission had failed to explain why its reclassification of litigation costs was not retroactive ratemaking. Although the court vacated the Commission's orders, it specifically acknowledged the Commission's ''special responsibility * * * regarding the competitive behavior of the common carriers subject to its oversight.'' In discussing the accounting treatment for antitrust judgments, the court stated that the Commission may disallow any expense incurred as a result of carrier conduct that cannot reasonably be expected to benefit ratepayer and that the Commission acted reasonably in aligning the presumption against recovery with the majority of antitrust cases in which consumers do not benefit from the conduct occasioning liability. The court found no fault with the Commission's treatment of either adverse antitrust judgments or pre-judgment settlements in antitrust cases, although it faulted the Commission for failing to consider the possible perverse incentives arising from its asymmetric treatment of post-judgment settlements, which ultimately could also increase the amount recoverable from ratepayer. The court agreed that the same rationale that the Commission used in determining that an ILEC could not recover an antitrust judgment also applies with respect to litigation expenses because the reasonableness of the underlying conduct, not the defense of the conduct, determines whether the expense is reasonable.

In this proceeding, the Commission has concluded that its rules should require that adverse antitrust judgments be accounted for below-the-line in Account 7370. This would include any associated interest and awards of attorneys fees to adversaries. Fines and penalties have always been accounted for below-the-line, and this practice will continue. The Commission has also concluded that settlement costs paid by carriers to resolve antitrust litigation should be accounted for below-the-line in Account 7370, but it modified its proposal to allow carriers to recover in ratemaking the saved litigation expenses of both pre- and post-judgment settlements entered before any adjudication of anticompetitive misconduct becomes final. The Commission has also concluded it should change how we treated the costs of defending antitrust litigation. In the previous rulemaking, it allowed litigation expenses associated with an adverse judgment or a post-judgment settlement to be recorded above-the-line but made them subject to ''recapture.'' This recapture doctrine created a presumption that these expenses would be excluded from a carrier's revenue requirements (*See Depreciation Simplification NPRM,* 8 FCC Rcd at 6656). In the present rulemaking, the Commission altered the presumption to provide that these costs may continue to be recorded above the line in operating accounts. Finally, the Commission has concluded that the record before us provides insufficient basis for changing the current accounting treatment of alleged or adjudicated violations of state or federal laws other than federal antitrust laws. This means that only costs related to judgments or settlements in lawsuits stemming from violations of federal antitrust laws will be recorded below-the-line (*See Second Litigation Costs Order*) (Docket No. 93–240, FCC 97–80 at ¶¶ 18). With regard to settlements of such lawsuits, there will be a presumption that carriers can recover the portion of the settlement that represents the avoidable costs of litigation, provided that the carrier makes the required showing (*See Second Litigation Costs Order* at ¶¶ 45–46).

Ordering Clauses

Accordingly, pursuant to Sections 1, 4(i), 219, 220 and 221(c) and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 219, 220, Part 32 of the Rules *is revised.*

It is Further Ordered that, pursuant to Sections 1, 4(i), 220, and 221(c) and 410(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 220, and 221(c), Part 32 of the Commission's Rules and Regulations, is amended as shown below.

List of Subjects in 47 CFR Part 32

Communications common carriers, Reporting and recordkeeping requirements, Telephone, Uniform System of Accounts.

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Changes

Part 32 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 32—UNIFORM SYSTEM OF ACCOUNTS FOR TELECOMMUNICATIONS COMPANIES

1. The authority citation for part 32 continues to read as follows:

Authority: 47 U.S.C. 154.

2. Section 32.7370 is amended by revising paragraph (d) to read as follows:

§ 32.7370 Special charges.

* * * * *

(d) Penalties and fines paid on account of violations of statutes. This account shall also include penalties and fines paid on account of violations of U.S. antitrust statutes, including judgments and payments in settlement of civil and criminal suits alleging such violations; and

* * * * *

[FR Doc. 97–10718 Filed 4–24–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[CC Docket No. 95–155; FCC 97–123]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: On April 11, 1997, the Commission released a Second Report and Order adopting various measures related to toll free service access codes. The Second Report and Order is intended to ensure the fair, efficient, and orderly allocation of toll free numbers.

EFFECTIVE DATE: May 27, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Erin Duffy, Attorney, Network Services Division, Common Carrier Bureau, (202) 418–2340.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Second Report and Order in the matter of Toll Free Service Access Codes, FCC 97–123, adopted April 4, 1997, and released

April 11, 1997. The Commission concurrently released a Further Notice of Proposed Rulemaking in the same docket. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington, D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc., 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857–3800.

Analysis of Proceeding

1. In the *Second Report and Order,* the Commission takes several actions to conserve toll free numbers and make them available to subscribers. It concludes that the warehousing of toll free numbers is an unreasonable practice that violates section 201(b) of the Communications Act and also is inconsistent with the Commission's obligation under section 251(e) of the Communications Act, as amended, to ensure that numbers are made available on an equitable basis. It ensures greater accountability by RespOrgs (the entities responsible for managing toll free subscribers' records in the toll free database) by making the act of reserving a number serve as a certification by a RespOrg that it is not warehousing numbers, and states that RespOrgs warehousing numbers will be subject to penalties. It concludes that the practices of hoarding and brokering toll free numbers are not in the public interest and that parties that hoard or broker numbers will be subject to penalties. The Commission shortens several of the ''lag time'' intervals established by the industry. ''Lag time'' refers to the interval between a toll free number's reservation in the Service Management System (SMS) database and its conversion to working status, as well as the time between disconnection or cancellation of a toll free number and the point when that toll free number may be reassigned to another subscriber. The reserved period is shortened from 60 to 45 days. The assigned period is shortened from 12 months to 6 months. The disconnected period is shortened from 6 months to 4 months. The suspended period is shortened from 12 months to 8 months, with only numbers involved in billing disputes being eligible for such status. The Commission also caps the total number of toll free numbers a RespOrg may have in reserved status to the greater of 7.5 percent of the RespOrg's total working numbers or 2000 numbers, and concludes that no RespOrg may have in reserved status, at any time, more than three percent of the numbers that were in the spare pool for general reservation from the database at 12:01 a.m. ET of the preceding Sunday.

2. It is ordered, pursuant to Sections 1, 4(i), 201–205, 218, and 251 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 151, 154(i), 201–205, 218, and 251, that the Second Report and Order is hereby adopted.

3. It is further ordered that all policies, rules, and requirements set forth herein are effective on May 27, 1997, except for collections of information subject to approval by the Office of Management and Budget (''OMB''), which are effective September 22, 1997.

4. It is further ordered that the Common Carrier Bureau is delegated authority to establish, modify, and monitor conservation plans for toll free numbers if exigent circumstances make such action necessary.

List of Subjects in 47 CFR Part 52

Local exchange carrier, Numbering, Telecommunications.

Federal Communications Commission

William F. Caton,

Acting Secretary.

Rule Changes

Accordingly, part 52 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 52—NUMBERING

1. The authority citation for part 52 continues to read as follows:

Authority: Sections 1, 2, 4, 5, 48 Stat. 1066, as amended; 47 U.S.C. §§ 151, 152, 154, 155 unless otherwise noted. Interpret or apply secs. 3, 4, 201–05, 207–09, 218, 225–7, 251–2, 271 and 332, 48 Stat. 1070, as amended, 1077; 47 U.S.C. §§ 153, 154, 201–05, 207–09, 218, 225–7, 271 and 332 unless otherwise noted.

2. Subpart D is added to part 52 to read as follows:

Subpart D—Toll Free Numbers

Sec.

Subpart D—Toll Free Numbers

§ 52.101 General definitions.

As used in this part:

(a) *Number Administration and Service Center (''NASC'').* The entity that provides user support for the Service Management System database and administers the Service Management System database on a day-to-day basis.

(b) *Responsible Organization (''RespOrg'').* The entity chosen by a toll free subscriber to manage and administer the appropriate records in the toll free Service Management System for the toll free subscriber.

(c) *Service Control Points.* The regional databases in the toll free network.

(d) *Service Management System Database (''SMS Database'').* The administrative database system for toll free numbers. The Service Management System is a computer system that enables Responsible Organizations to enter and amend the data about toll free numbers within their control. The Service Management System shares this information with the Service Control Points. The entire system is the SMS database.

(e) *Toll Free Subscriber.* The entity that requests a Responsible Organization to reserve a toll free number from the SMS database.

(f) *Toll Free Number.* A telephone number for which the toll charges for completed calls are paid by the toll free subscriber. The toll free subscriber's specific geographic location has no bearing on what toll free number it can obtain from the SMS database.

§ 52.103 Lag times.

(a) *Definitions.* As used in this section, the following definitions apply:

(1) *Assigned Status.* A toll free number record that has specific subscriber routing information entered by the Responsible Organization in the Service Management System database and is pending activation in the Service Control Points.

(2) *Disconnect Status.* The toll free number has been discontinued and an exchange carrier intercept recording is being provided.

(3) *Lag Time.* The interval between a toll free number's reservation in the Service Management System database and its conversion to working status, as well as the period of time between disconnection or cancellation of a toll free number and the point at which that toll free number may be reassigned to another toll free subscriber.

(4) *Reserved Status.* The toll free number has been reserved from the Service Management System database by a Responsible Organization for a toll free subscriber.

(5) *Seasonal Numbers.* Toll free numbers held by toll free subscribers who do not have a year-round need for a toll free number.

(6) *Spare Status.* The toll free number is available for assignment by a Responsible Organization.

(7) *Suspend Status.* The toll free service has been temporarily disconnected and is scheduled to be reactivated.

(8) *Unavailable Status.* The toll free number is not available for assignment due to an unusual condition.

(9) *Working Status.* The toll free number is loaded in the Service Control Points and is being utilized to complete toll free service calls.

(b) *Reserved Status.* Toll free numbers may remain in reserved status for up to 45 days. There shall be no extension of the reservation period after expiration of the initial 45-day interval.

(c) *Assigned Status.* Toll free numbers may remain in assigned status until changed to working status or for a maximum of 6 months, whichever occurs first. Toll free numbers that, because of special circumstances, require that they be designated for a particular subscriber far in advance of their actual usage shall not be placed in assigned status, but instead shall be placed in unavailable status.

(d) *Disconnect Status.* Toll free numbers may remain in disconnect status for up to 4 months. No requests for extension of the 4-month disconnect interval shall be granted. All toll free numbers in disconnect status must go directly into the spare category upon expiration of the 4-month disconnect interval. Responsible Organizations shall not retrieve a toll free number from disconnect status and return that number directly to working status at the expiration of the 4-month disconnect interval.

(e) *Suspend Status.* Toll free numbers may remain in suspend status until changed to working status or for a maximum of 8 months, whichever occurs first. Only numbers involved in billing disputes shall be eligible for suspend status.

(f) *Unavailable Status.* (1) Written requests to make a specific toll free number unavailable must be submitted to DSMI by the Responsible Organization managing the records of the toll free number. The request shall include the appropriate documentation of the reason for the request. DSMI is the only entity that can assign this status to or remove this status from a number. Responsible Organizations that have a toll free subscriber with special circumstances requiring that a toll free number be designated for that particular subscriber far in advance of its actual usage may request that DSMI place such a number in unavailable status.

(2) Seasonal numbers shall be placed in unavailable status. The Responsible Organization for a toll free subscriber who does not have a year round need for a toll free number shall follow the procedures outlined in § 52.103(f)(1) of these rules if it wants DSMI to place a particular toll free number in unavailable status.

§ 52.105 Warehousing.

(a) As used in this section, warehousing is the practice whereby Responsible Organizations, either directly or indirectly through an affiliate, reserve toll free numbers from the Service Management System database without having an actual toll free subscriber for whom those numbers are being reserved.

(b) Responsible Organizations shall not warehouse toll free numbers. There shall be a rebuttable presumption that a Responsible Organization is warehousing toll free numbers if:

(1) The Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the Service Management System database; or

(2) The Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with a toll free number before switching that toll free number from reserved or assigned to working status.

(c) Responsible Organizations shall not maintain a toll free number in reserved status if there is not a prospective toll free subscriber requesting that toll free number.

(d) A Responsible Organization's act of reserving a number from the Service Management System database shall serve as that Responsible Organization's certification that there is an identified toll free subscriber agreeing to be billed for service associated with the toll free number.

(e) *Tariff Provision*. The following provision shall be included in the Service Management System tariff and in the local exchange carriers' toll free database access tariffs:

> [T]he Federal Communications Commission (''FCC'') has concluded that warehousing, which the FCC defines as Responsible Organizations, either directly or indirectly through an affiliate, reserving toll free numbers from the SMS database without having an identified toll free subscriber from whom those numbers are being reserved, is an unreasonable practice under § 201(b) of the Communications Act and is inconsistent with the Commission's obligation under § 251(e) of the Communications Act to ensure that numbers are made available on an equitable basis; and if a Responsible Organization does not have an identified toll free subscriber agreeing to be billed for service associated with each toll free number reserved from the database, or if a Responsible Organization does not have an identified, billed toll free subscriber before switching a number from reserved or assigned to working status, then there is a rebuttable presumption that the Responsible Organization is warehousing numbers. Responsible Organizations that warehouse numbers will be subject to penalties.

§ 52.107 Hoarding.

(a) As used in this section, hoarding is the acquisition by a toll free subscriber from a Responsible Organization of more toll free numbers than the toll free subscriber intends to use for the provision of toll free service. The definition of hoarding also includes number brokering, which is the selling of a toll free number by a private entity for a fee.

(1) Toll free subscribers shall not hoard toll free numbers.

(2) No person or entity shall acquire a toll free number for the purpose of selling the toll free number to another entity or to a person for a fee.

(3) Routing multiple toll free numbers to a single toll free subscriber will create a rebuttable presumption that the toll free subscriber is hoarding or brokering toll free numbers.

(b) *Tariff Provision*. The following provision shall be included in the Service Management System tariff and in the local exchange carriers' toll free database access tariffs:

> [T]he Federal Communications Commission (''FCC'') has concluded that hoarding, defined as the acquisition of more toll free numbers than one intends to use for the provision of toll free service, as well as the sale of a toll free number by a private entity for a fee, is contrary to the public interest in the conservation of the scarce toll free number resource and contrary to the FCC's responsibility to promote the orderly use and allocation of toll free numbers.

§ 52.109 Permanent cap on number reservations.

(a) A Responsible Organization may have in reserve status, at any one time, either 2000 toll free numbers or 7.5 percent of that Responsible Organization's numbers in working status, whichever is greater.

(b) A Responsible Organization shall never reserve more than 3 percent of the quantity of toll free numbers in spare status as of the previous Sunday at 12:01 a.m. Eastern Time.

(c) The Common Carrier Bureau shall modify the quantity of numbers a Responsible Organization may have in reserve status or the percentage of numbers in the spare poll that a Responsible Organization may reserve when exigent circumstances make such action necessary. The Common Carrier Bureau shall establish, modify, and monitor toll free number conservation

plans when exigent circumstances necessitate such action.

[FR Doc. 97–10488 Filed 4–24–97; 8:45 am]

BILLING CODE 6712–01–P–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 961107312–7021–02; I.D. 042197A]

Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS issues an inseason adjustment prohibiting retention of Atka mackerel and rockfish of the genus *Sebastes* and *Sebastolobus* in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI) by vessels using trawl gear. This action is necessary to prevent overfishing of the shortraker/rougheye rockfish species group.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), April 21, 1997, until 2400 hrs, A.l.t., December 31, 1997. Comments must be received at the following address no later than 1630 hrs, A.l.t., May 6, 1997.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 [Attn. Lori Gravel], or be delivered to the fourth floor of the Federal Building, 709 West 9th Street, Juneau, AK.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Magnuson-Stevens Act requires that conservation and management measures prevent overfishing. The 1997 overfishing level for the shortraker/rougheye rockfish species group in the Aleutian Islands subarea of the BSAI is established by the Final 1997 Harvest Specifications for Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 1,250 metric tons (mt) and the acceptable biological catch as 938 mt. As of April 12, 1997, 1,100 mt of shortraker/rougheye rockfish have been caught.

NMFS closed directed fishing for shortraker/rougheye rockfish in the Aleutian Islands subarea in the Final 1997 Harvest Specifications of Groundfish and prohibited retention of shortraker/rougheye rockfish on April 2, 1997 (62 FR 16736, April 8, 1997). Without this action substantial trawl fishing effort would be directed at remaining amounts of Atka mackerel and rockfish in the Aleutian Islands subarea during 1997. These fisheries can have significant bycatch of shortraker/rougheye rockfish.

The Administrator, Alaska Region, NMFS, has determined, in accordance with § 679.25(a)(1)(i) and (a)(2)(iii), that closing the season by prohibiting retention of Atka mackerel and rockfish of the genus *Sebastes* and *Sebastolobus* by vessels using trawl gear is necessary to prevent overfishing of the shortraker/rougheye rockfish species group, and is the least restrictive measure to achieve that purpose. Without this prohibition of retention, significant incidental catch of shortraker/rougheye rockfish would occur by trawl vessels targeting Atka mackerel and rockfish.

Therefore, NMFS is requiring that further catches of Atka mackerel and rockfish of the genus *Sebastes* and *Sebastolobus* by vessels using trawl gear in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b)(2).

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Immediate effectiveness is necessary to prevent overfishing of shortraker/rougheye rockfish in the Aleutian Islands subarea of the BSAI. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until May 6, 1997.

Classification

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: April 21, 1997.

Gary Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–10675 Filed 4–21–97; 4:29 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 62, No. 80
Friday, April 25, 1997

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 319

[Docket No. 96–040P]

RIN 0583–AC29

Use of Binders in ''Ham With Natural Juices'' Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Food Safety and Inspection Service (FSIS) is proposing to permit the use of binders in ''Ham with Natural Juices'' products. FSIS currently permits the use of certain binders in cured pork products labeled ''Ham Water Added'' and ''Ham and Water Product—X% of Weight is Added Ingredients.'' FSIS is proposing this action in response to a petition submitted by Hormel Foods Corporation, requesting the Agency to allow modified food starch (or ''food starch, modified'') to be used as a binder in ''Ham with Natural Juices'' products, in an amount not exceeding 2 percent of product formulation, to prevent purging of the brine solution, thereby retaining product moisture and enhancing texture.

DATES: Comments must be received on or before June 9, 1997.

ADDRESSES: Send an original and two copies of comments to: FSIS Docket Clerk, DOCKET #96–040P, Room 3806, 1400 Independence Avenue, SW, Washington, DC 20250–3700. Reference materials cited in this document and any comments received will be available for public inspection in the FSIS Docket Room from 8:30 a.m. to 1:00 p.m. and from 2:00 p.m. to 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Edwards, Director, Facilities, Equipment, Labeling and Compounds Review Division, Office of Policy, Program Development, and Evaluation; (202) 418–8900.

SUPPLEMENTARY INFORMATION:

Background

On March 28, 1996, FSIS was petitioned to approve the use of modified food starch in ''Ham with Natural Juices'' products, in an amount not exceeding 2 percent of product formulation, to prevent purging of the brine solution. During the manufacturing of cured pork products labeled ''Ham with Natural Juices,'' the products are pumped with a brine solution, the ultimate level of which is controlled by a protein-fat-free (PFF) standard described in 9 CFR 319.104. PFF is the minimum meat protein which is indigenous to the raw, unprocessed pork, expressed as a percent of the non-fat portion of the finished product. These products are normally packaged in clear plastic and enclosed by a vacuum seal. Subsequent to the curing process, the brine purges from the product, settling in the product's package, reducing the moisture content of the product and negatively affecting product appearance and quality.

FSIS currently permits the use of the binders listed in 9 CFR 318.7(c)(4), including modified food starch, in products labeled ''Ham Water Added'' and ''Ham and Water Product—X% of Weight is Added Ingredients'' to prevent purging of the brine solution. These binders may not, however, currently be used in ''Ham with Natural Juices'' products. FSIS has prohibited their use in ''Ham with Natural Juices'' products to prevent economic adulteration. FSIS believes that consumers consider ham products labeled ''Ham with Natural Juices'' to be premium products because they do not contain ''fillers,'' such as binders, and thus, are typically priced higher than the ''binders and water added'' ham products. Furthermore, in accordance with 9 CFR 319.104, ''Ham with Natural Juices'' products must meet a higher PFF value than ''Ham Water Added'' and ''Ham and Water Product—X% of Weight is Added Ingredients'' products, which reflects less added substances.

The petitioner has developed a new process for producing its ''Ham with Natural Juices'' product in response to what they view as consumer demands for an improved ham product. The new process includes the use of modified food starch, which is currently prohibited in a ''Ham with Natural Juices'' product. According to the petitioner, their new ''Ham with Natural Juices'' process requires the use of modified food starch in order to enhance the characteristics of texture, and, more importantly, moisture retention that consumers associate with the product. The petitioner has submitted technical data and other information demonstrating that the finished product does not fall below the minimum regulated PFF value with an acceptable yield loss, as illustrated by purged value differences over time. Because (1) the product adheres to the minimum PFF value, and therefore, consumers will be receiving a ''Ham with Natural Juices'' product with essentially the same protein content and other nutrients as before, even with the addition of modified food starch and other permitted binders, and (2) modified food starch and the other permitted binders will appear in the ingredients statement to inform consumers of their presence, the Agency has concluded that ''Ham with Natural Juices'' remains an acceptable product identity. For these reasons, FSIS is proposing to permit the use of binders in ''Ham with Natural Juices'' products in an amount not exceeding 2 percent of product formulation, to prevent purging of the brine solution.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) all state and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant and therefore has not been reviewed by OMB under Executive Order 12866.

The Administrator has made an initial determination that this proposed rule would not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act (5 U.S.C. 601). The proposed rule would permit the use of any one of the approved binders in ''Ham with Natural Juices'' products. Manufacturers opting to use the

approved binders in ''Ham with Natural Juices'' products would incur labeling expenses in revising the ingredients statements of their labels to show the presence of the approved binders. Decisions by individual manufacturers on whether to use any one of the approved binders in ''Ham with Natural Juices'' products would be based on their conclusions that the benefits outweigh the implementation costs.

Paperwork Requirements

Abstract: FSIS has reviewed the paperwork and recordkeeping requirements in this proposed rule in accordance with the Paperwork Reduction Act. This rule requires manufacturers opting to use one of the approved binders in ''Ham with Natural Juices'' products to revise their product labels. The labels would not be submitted to FSIS for approval because they would be generically approved in accordance with 9 CFR 317.5.

Estimate of Burden: Establishments must develop product labels in accordance with the regulations. FSIS estimates that it will take 60 minutes to design and develop modified product labels in accordance with the proposed regulation.

Respondents: Meat establishments.

Estimated number of Respondents: 1,079 meat establishments.

Estimated number of Responses per Respondent: FSIS estimates that each establishment would modify about 2 product labels.

Estimated Total Annual Burden on Respondents: 2158 hours.

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of collection of information on those who are to respond, including through use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to Lee Puricelli, Paperwork Specialist, see address above, and Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20253.

List of Subjects in 9 CFR Part 319

Food Grades and Standards, Food Labeling.

For the reasons set out in the preamble, 9 CFR part 319 would be amended as follows:

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

1. The authority citation for part 319 would continue to read as follows:

Authority: 7 U.S.C. 450, 1901–1906; 21 U.S.C. 601–695; 7 CFR 2.18, 2.53.

2. The first sentence of paragraph (d) of section 319.104 would be revised to read as follows:

§ 319.104 Cured pork product.

* * * * *

(d) The binders provided in § 318.7(c)(4) of this subchapter for use in cured pork products may be used singly in those cured pork products labeled as ''Ham Water Added,'' ''Ham and Water Product—X% of Weight is Added Ingredients,'' and ''Ham with Natural Juices.'' * * *

Done at Washington, DC, on: April 16, 1997.

Thomas J. Billy,

Administrator.

[FR Doc. 97–10679 Filed 4–24–97; 8:45 am]

BILLING CODE 3410–DM–P

FARM CREDIT ADMINISTRATION

12 CFR Part 615

RIN 3052–AB75

Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Cumulative Voting

AGENCY: Farm Credit Administration.

ACTION: Proposed rule.

SUMMARY: Section 615.5230 of Farm Credit Administration (FCA) Regulations provides for cumulative voting by shareholders in the election of Farm Credit Bank (FCB) directors and requires the unanimous consent of the voting shareholders to eliminate such cumulative voting. The FCA proposes to amend § 615.5230(a)(2) to provide that an FCB may eliminate cumulative voting in director elections with the consent of 75 percent of the bank's voting shareholders, instead of the currently required unanimous consent.

DATES: Written comments must be received on or before May 27, 1997.

ADDRESSES: Comments may be mailed or delivered to Patricia W. DiMuzio, Director, Regulation Development Division, Office of Policy Development and Risk Control, 1501 Farm Credit Drive, McLean, VA, 22102–5090 or sent by facsimile transmission to FAX number (703) 734–5784. Comments may also be submitted via electronic mail to ''reg-comm@fca.gov''.

Copies of all communications received will be available for examination by interested parties in the Office of Policy Development and Risk Control, Farm Credit Administration.

FOR FURTHER INFORMATION CONTACT:

Gaylon J. Dykstra, Policy Analyst, Office of Policy Development and Risk Control, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4498;

or

Rebecca S. Orlich, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, VA 22102–5090, (703) 883–4020, TDD (703) 883–4444.

SUPPLEMENTARY INFORMATION: The FCA has received petitions from Farm Credit System (System) institutions and from an association board member in the Texas district requesting revision of the requirement of unanimous consent of an FCB's shareholders to eliminate the cumulative voting requirement for the election of directors set forth in § 615.5230(a)(2)(ii). The petitioners stated their belief that the provision is unduly burdensome and that the requirement for cumulative voting, which was intended to make the election of bank directors fairer for smaller associations, actually provided questionable benefits. The petitioners contended that cumulative voting works most effectively in situations where the entire board of directors is elected each year, or at least where the board is relatively large and several positions are open for election each year, and they noted that these situations are relatively rare in the System. The petitioners stated that cumulative voting was almost impossible to change and requested revision of the regulation to enable a bank to eliminate cumulative voting with the consent of either a simple majority or a two-thirds' majority of the shareholders.

Cumulative voting as discussed in the context of the present regulation relates only to the election of FCB directors by the owner associations and occurs only when more than one director position is being filled. Section 615.5230 was promulgated in 1988 to accommodate structural changes in the System effected by the Agricultural Credit Act of 1987. When the regulations were

proposed, the FCA provided for a continuation of the existing practice of weighted voting in the election of FCB directors. In weighted voting, an association is entitled to cast as many votes as there are voting shareholders in the association. In response to an association comment on the 1988 proposed rule that this method of voting ''may deprive small associations of any voice in the affairs of its bank if the district is dominated by a large district-wide association,'' the FCA retained weighted voting in the final regulation but also provided for cumulative voting unless each association, as a shareholder of the FCB, consents to eliminate it.

The explanation in the preamble of the final regulations for adding cumulative voting states:

> To respond to the concerns that smaller associations would be disadvantaged [by weighted voting], the final regulation requires the bank to allow cumulative voting unless each association agrees otherwise, which will allow small associations a greater opportunity to place a director on the board.

53 FR 40033, 40038 (October 13, 1988).

Unanimous consent to eliminate cumulative voting was required to assure that cumulative voting could be eliminated only with the consent of all of the associations that the provision was designed to protect. In addition, it assured that no single large association could defeat a protection for minority shareholders.

Associations in all FCB districts are currently permitted to cumulate their votes (which would otherwise be cast as a weighted vote for the preferred candidate in each open director position) to support only one director, if desired. Thus, if an association were entitled to cast 300 shares to vote for three director positions (a weighted vote of 300 representing 100 shareholders multiplied by three open director positions), it could choose to vote 100 shares for its preferred candidate in each director position, or, at the association's discretion, it could cumulate its votes and cast 300 shares for its preferred candidate in one director position or distribute its 300 shares in any combination among the preferred candidates in any of the open director positions.

The structure of the System has changed since 1988; currently there are no single large associations that dominate an entire district. Based on present circumstances, the FCA believes that the importance of requiring unanimous consent to eliminate cumulative voting is less compelling. However, the FCA continues to believe that cumulative voting provides important protection to minority interests and, consequently, that this voting method should be subject to elimination only by a supermajority. The FCA believes that a two-thirds' majority, as suggested by many petitioners, may not be a great enough supermajority to provide that protection. In addition, in some districts there are different types of associations that may favor different bank policies, and one type of association may have substantially more votes than other types. The FCA proposes to amend the existing requirement to permit an FCB to eliminate cumulative voting by a 75-percent majority but requests comment on the appropriateness of this level.

The FCA considered whether to provide for the elimination of cumulative voting on a weighted-vote basis, rather than according each association one vote, since weighted voting is the basis for all other shareholder votes. However, the Agency decided to propose a one-association, one-vote requirement because small associations will have a greater say in the decision to eliminate cumulative voting if their votes are given the same value as large associations.

List of Subjects in 12 CFR Part 615

Accounting, Agriculture, Banks, banking, Government securities, Investments, Rural areas.

For the reasons stated in the preamble, part 615 of chapter VI, title 12 of the Code of Federal Regulations is proposed to be amended to read as follows:

PART 615—FUNDING AND FISCAL AFFAIRS, LOAN POLICIES AND OPERATIONS, AND FUNDING OPERATIONS

1. The authority citation for part 615 continues to read as follows:

Authority: Secs. 1.5, 1.7, 1.10, 1.11, 1.12, 2.2, 2.3, 2.4, 2.5, 2.12, 3.1, 3.7, 3.11, 3.25, 4.3, 4.3A, 4.9, 4.14B, 4.25, 5.9, 5.17, 6.20, 6.26, 8.0, 8.3, 8.4, 8.6, 8.7, 8.8, 8.10, 8.12 of the Farm Credit Act (12 U.S.C. 2013, 2015, 2018, 2019, 2020, 2073, 2074, 2075, 2076, 2093, 2122, 2128, 2132, 2146, 2154, 2154a, 2160, 2202b, 2211, 2243, 2252, 2278b, 2278b–6, 2279aa, 2279aa–3, 2279aa–4, 2279aa–6, 2279aa–7, 2279aa–8, 2279aa–10, 2279aa–12); sec. 301(a) of Pub. L. 100–233, 101 Stat. 1568, 1608.

Subpart I—Issuance of Equities

2. Section 615.5230 is amended by revising paragraph (a)(2)(ii) to read as follows:

§ 615.5230 Implementation of cooperative principles.

(a) * * *

(2) * * *

(ii) Have the right to vote in the election of each director and be allowed to cumulate such votes and distribute them among the candidates in the shareholder's discretion, except that cumulative voting for directors may be eliminated if 75 percent of the associations that are shareholders of the Farm Credit Bank vote in favor of elimination. In a vote to eliminate cumulative voting, each association shall be accorded one vote.

Dated: April 22, 1997.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 97–10750 Filed 4–24–97; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 96–NM–245–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require an internal visual inspection to detect cracks of the skin and internal doublers above main entry door 1 at body station 460, and various follow-on actions. This proposal is prompted by reports indicating that multiple fatigue cracks were found in both internal skin doublers. The actions specified by the proposed AD are intended to detect and correct such fatigue cracking, which could result in reduced structural integrity of the fuselage and consequent rapid depressurization of the cabin.

DATES: Comments must be received by June 6, 1997.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96-NM–245-AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Bob Breneman, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington; telephone (206) 227–2776; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–245–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–245–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report of multiple cracks in both internal skin doublers of a Boeing Model 747 series airplane that had accumulated 24,723 flight cycles. These cracks extended under the outer flange of the frame at body station (STA) 460 for a maximum of 13 inches. The FAA received additional reports of cracking of the internal doublers; one of these reports involved an airplane that had accumulated only 13,517 flight cycles. Results of full-scale fatigue tests on Model 747 test articles revealed similar cracks in the internal skin doublers. Such cracking has been attributed to structural fatigue. Fatigue cracking in the internal doublers, if not detected and corrected in a timely manner, could result in reduced structural integrity of the fuselage and consequent rapid depressurization of the cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996, which describes procedures for performing an internal visual inspection to detect cracks of the skin and internal doublers above main entry door 1 at STA 460, and various follow-on actions. The follow-on actions include:

1. An open hole high frequency eddy current (HFEC) inspection to detect cracks of the skin and internal doublers above main entry door 1, and repair, if necessary;
2. Installation of an external doubler;
3. A visual inspection to detect damage of the adjacent structure within 20 inches of detected cracks, and repair, if necessary; and
4. Repetitive internal surface HFEC inspections or external low frequency eddy current (LFEC) inspections to detect damage of repaired or modified areas.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require an internal visual inspection to detect cracks of the skin and internal doublers above main entry door 1 at STA 460, and various follow-on actions. The actions would be required to be accomplished in accordance with the service bulletin described previously. If any damage is detected in repaired or modified areas, a repair would be required to be accomplished in accordance with a method approved by the FAA.

Differences Between Proposed AD and Relevant Service Information

Operators should note that the referenced service bulletin specifies a provision that cabin differential pressurization cycles of 2.0 pounds per square inch (psi) or less need not be counted as a flight cycle when determining the number of flight cycles relative to the proposed compliance thresholds. This proposed AD does not include such a provision. In several AD's in the past, the FAA considered that flights with less than 2.0 psi cabin differential pressure contributed to a negligible amount of fatigue damage to the fuselage structure; thus, the FAA allowed the use of the subject provision in those AD's. However, the FAA has received new data indicating that discounting cabin differential pressurization cycles of 2.0 psi or less is not conservative, and does not provide an accurate determination of equivalent flight cycles.

Operators of Boeing Model 747SR series airplanes should also note that, unlike the procedures described in the referenced service bulletin, this proposed AD would not permit the 1.2 adjustment factor to be used to reduce the inspection threshold. In several AD's in the past, the FAA allowed the use of this adjustment factor. However, based on new data, the FAA has determined that the 1.2 adjustment factor would not address the unsafe condition in a timely manner. The FAA may consider additional rulemaking to address all previously issued AD's applicable to Boeing Model 747 series airplanes that allow the use of the 1.2 adjustment factor.

Other Relevant Rulemaking

The FAA has previously issued two other AD's that concern the area above the main entry doors on Boeing Model 747 series airplanes having line numbers prior to 207:

1. AD 89–21–09, amendment 39–6350 (54 FR 41053, October 5, 1989), requires periodic inspection of the fuselage skin just above the forward main entry door for cracks emanating from the circumferential skin splice, and modifications, if necessary.
2. AD 90–06–06, amendment 39–6490 (55 FR 8374, March 7, 1990), requires incorporation of certain structural modifications.

However, this proposed AD would not affect the current requirements of any of those previously issued AD's.

Cost Impact

There are approximately 880 Boeing Model 747 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 143 airplanes of U.S. registry would be affected by this proposed AD. Each of these airplanes has a left and right-side main entry door 1.

It would take approximately 76 work hours per airplane to accomplish the proposed internal visual inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the internal visual inspection proposed by this AD on U.S. operators is estimated to be $652,080, or $4,560 per airplane.

Should an operator be required to accomplish the proposed preventative modification, it would take approximately 100 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,094 per airplane. Based on these figures, the cost impact of the installation proposed by this AD on U.S. operators is estimated to be $1,014,442, or $7,094 per airplane.

It would take approximately 40 work hours per airplane to accomplish the proposed HFEC or LFEC inspection (i.e., post-modification), at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the HFEC or LFEC inspection proposed by this AD on U.S. operators is estimated to be $343,200, or $2,400 per airplane, per inspection cycle.

Should an operator be required to accomplish the proposed repair, it would take approximately 212 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Required parts would cost approximately $2,602 per airplane. Based on these figures, the cost impact of the repair proposed by this AD on U.S. operators is estimated to be $2,191,046, or $15,322 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 96–NM–245–AD.

Applicability: Model 747 series airplanes, having line number 207 through 1088 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking in the internal skin doublers, which could result in reduced structural integrity of the fuselage and consequent rapid depressurization of the cabin, accomplish the following:

(a) For airplanes identified as Groups 1 through 10, inclusive, in Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996: Prior to the accumulation of 13,000 flight cycles, or within 18 months after the effective date of this AD, whichever occurs later, perform an internal visual inspection to detect cracks of the skin and internal doublers above main entry door 1 at body station (STA) 460, in accordance with Part 2—Inspection of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996.

(1) If no crack is detected during the internal visual inspection required by paragraph (a) of this AD, prior to further flight, perform an open hole high frequency eddy current (HFEC) inspection to detect cracks of the skin and internal doublers above main entry door 1, in accordance with Figure 10 of the service bulletin.

(i) If no crack is detected during the open hole HFEC inspection required by paragraph (a)(1) of this AD, prior to further flight, install an external doubler in accordance with Part 4—Modification of the Accomplishment Instructions of the service bulletin.

(ii) If any crack is detected during the open hole HFEC inspection, prior to further flight, perform a visual inspection to detect damage of the adjacent structure within 20 inches of the cracks, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin. If any damage is detected, prior to further flight, repair it in accordance with Part 3—Repair, or the NOTE specified in paragraph G. of Part 2—Inspection of the Accomplishment Instructions of the service bulletin.

(2) If any crack is detected during the internal visual inspection required by paragraph (a) of this AD, prior to further flight, perform a visual inspection to detect damage of the adjacent structure within 20 inches of the cracks, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin. Prior to further flight following accomplishment of this visual inspection, repair any cracked skin or internal doublers, and/or repair adjacent damaged structure, in accordance with Part 3—Repair of the Accomplishment Instructions of the service bulletin.

(b) Perform either an internal surface HFEC or external low frequency eddy current (LFEC) inspection to detect damage of the repaired or modified area, in accordance with Part 6—After-Repair or After-Modification Inspection Program of the Accomplishment Instructions of Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996; at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable.

(1) For airplanes identified as Groups 1 through 10, inclusive, in Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996: Inspect within 15,000 flight cycles following accomplishment of either paragraph (a)(1) or (a)(2) of this AD.

(2) For airplanes identified as Group 11 in Boeing Service Bulletin 747–53A2396, Revision 1, dated February 22, 1996: Inspect prior to the accumulation of 15,000 total flight cycles.

(c) If no damage is detected during any inspection required by paragraph (b) of this AD, repeat the inspections required by paragraph (b) of this AD at the following intervals:

(1) If the immediately preceding inspection was conducted using HFEC techniques, conduct the next inspection within 6,000 flight cycles.

(2) If the immediately preceding inspection was conducted using LFEC techniques, conduct the next inspection within 3,000 flight cycles.

(d) If any damage is detected during any inspection required by paragraph (b) of this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 21, 1997.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 97–10787 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–17]

Modification of Class D Airspace and Establishment and Modification of Class E Airspace; Grand Forks, ND, Grand Forks International Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to modify Class D airspace, establish Class E2 airspace, and modify Class E4 and Class E5 airspace at Grand Forks, ND. Initiation of air traffic control tower operations for less than 24 hours per day and a reevaluation of the airspace requirements for the existing instrument approach procedures necessitates these changes to the existing controlled airspace for the airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the approach. The intended affect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before June 16, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 97–AGL–17, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed below. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AGL–17.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class D airspace, establish Class E2 airspace, and modify Class E4 and Class E5 airspace at Grand Forks, ND; this proposal would provide adequate Class D and Class E airspace for operators executing instrument flight procedures at Grand Forks International Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the instrument approach procedures. The intended effect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class D airspace designations for airspace areas within which all aircraft operators are subject to operating rules and equipment requirements of Part 91 of the Federal Aviation Regulations (14 CFR 91.129) are published in paragraph 5000, Class E2 airspace designations for airspace areas designated as a surface area for an airport are published in paragraph 6002, Class E4 airspace designations for airspace areas designated as an extension to a Class D or Class E surface area are published in paragraph 6004, and Class E5 airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005, of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR

71.1. The Class D and Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 5000 The Class D airspace areas within which all aircraft operators are subject to operating rules and equipment requirements of Part 91 of the Federal Aviation Regulations (14 CFR 91.129).

* * * * *

AGL ND D Grand Forks, ND [Revised]

Grand Forks International Airport, ND
(Lat. 47°56′58″ N., long. 97°10′34″ W.)

That airspace extending upward from the surface to and including 3,300 feet MSL within a 4.2-mile radius of Grand Forks International Airport. This Class D airspace areas is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002 The Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL ND E2 Grand Forks, ND [New]

Grand Forks International Airport, ND
(Lat. 47°56′58″ N., long. 97°10′34″ W.)
Grand Forks VOR/DME
(Lat. 47°57′17″ N., long. 97°11′07″ W.)

Within a 4.2-mile radius of the Grand Forks International Airport and within 2.5 miles each side of the Grand Forks VOR/DME 007° radial extending from the 4.2-mile radius of the airport to 7 miles north of the VOR/DME and within 2.5 miles each side of the Grand Forks VOR/DME 173° radial extending from the 4.2-mile radius of the airport to 7 miles south of the VOR/DME. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D or Class E surface area.

* * * * *

AGL ND E4 Grand Forks, ND [Revised]

Grand Forks International Airport, ND
(Lat. 47°56′58″ N., long. 97°10′34″ W.)
Grand Forks VOR/DME
(Lat. 47°57′17″ N., long. 97°11′07″ W.)

That airspace extending upward from the surface within 2.5 miles each side of the Grand Forks VOR/DME 007° radial extending from the 4.2-mile radius of the airport to 7 miles north of the VOR/DME and within 2.5 miles each side of the Grand Forks VOR/DME 173° radial extending from the 4.2-mile radius of the airport to 7 miles south of the VOR/DME.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

AGL ND E5 Grand Forks, ND [Revised]

Grand Forks International Airport, ND
(Lat. 47°56′58″ N., long. 97°10′34″ W.)
Grand Forks Air Force Base, ND
(Lat. 47°57′40″ N., long. 97°24′04″ W.)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Grand Forks International Airport and within a 7-mile radius of Grand Forks AFB, and within 3 miles each side of the ILS Localizer north course, from the Grand Forks International Airport, extending from the 7-mile radius to 10 miles north of the airport, and that airspace extending upward from 1,200 feet above the surface within a 34-mile radius of Grand Forks AFB, within the state of North Dakota.

* * * * *

Issued in Des Plaines, Illinois on April 15, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–10728 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AGL–16]

Establishment and Modification of Class E Airspace; Ironwood, MI, Ironwood Gogebic County Airport

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to establish Class E2 and modify Class E5 airspace at Ironwood, MI. The introduction of the Automated Weather Observing System (AWOS–3) at the airport and a reevaluation of the airspace requirements for the existing instrument approach procedures necessitates these changes to the existing controlled airspace for the airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing instrument approach procedures. The intended affect of this proposal is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions.

DATES: Comments must be received on or before June 16, 1997.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 97–AGL–16, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Operations Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: John A. Clayborn, Air Traffic Division, Operations Branch, AGL–530, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–AGL–16.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of the Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Class E2 airspace and modify Class E5 airspace at Ironwood, MI; this proposal would provide adequate Class E airspace for operators executing instrument flight procedures at Ironwood Gogebic County Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the instrument approach procedures. The intended affect of this action is to provide segregation of aircraft using instrument approach procedures in instrument conditions from other aircraft operating in visual weather conditions. The area would be depicted on appropriate aeronautical charts thereby enabling pilots to circumnavigate the area or otherwise comply with IFR procedures. Class E2 airspace designations for airspace areas designated as a surface area for an airport are published in paragraph 6002, and Class E5 airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005, of FAA Order 7400.9D dated September 4, 1996, and effective September 16, 1996, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9D, Airspace Designations and Reporting Points, dated September 4, 1996, and effective September 16, 1996, is amended as follows:

Paragraph 6002 The Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL MI E2 Ironwood, MI [New]

Ironwood Gogebic County Airport, MI
(Lat. 46°31′39″N., long. 90°07′53″W.)
Ironwood ILS
(Lat. 46°31′39″N., long. 90°09′12″W.)
Ironwood VORTAC
(Lat. 46°31′56″N., long. 90°07′33″W.)

Within a 4.1-mile radius of Ironwood Gogebic County Airport, and within 3.5 miles each side of the ILS Localizer east course, extending from the 4.1-mile radius to 10.2 miles east of the airport, and that airspace within 2.4 miles each side of the Ironwood VORTAC 260° radial extending from the 4.1-mile radius to 7 miles west of the VORTAC.

* * * * *

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

AGL MI E5 Ironwood, MI [Revised]

Ironwood Gogebic County Airport, MI
(Lat. 46°31′39″N., long. 90°07′53″W.)
Ironwood ILS
(Lat. 46°31′39″N., long. 90°09′12″W.)
Ironwood VORTAC
(Lat. 46°31′56″N., long. 90°07′33″W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the Ironwood Gogebic County Airport and within 3.5 miles each side of the ILS Localizer Course, extending from the 6.6-mile radius to 10.2 miles east of the airport and within 3.2 miles each side of the Ironwood VORTAC 104 radial extending from the 6.6-mile radius to 11.7 miles southeast of the VORTAC, and within 2.4 miles each side of the Ironwood VORTAC 260 radial extending from the 6.6-mile radius to 7 miles west of the VORTAC and that airspace extending upward from 1,200 feet above the surface within a 21-mile radius of the Ironwood VORTAC excluding that airspace within that State of Wisconsin.

* * * * *

Issued in Des Plaines, Illinois on April 15, 1997.

Maureen Woods,

Manager, Air Traffic Division.

[FR Doc. 97–10727 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 740, 745, 761, and 772

RIN 1029–AB42 and 1029–AB82

Rulemaking and Environmental Impact Statement; Valid Existing Rights and Prohibitions of Section 522(e); Public Hearings

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of public hearings.

SUMMARY: On January 31, 1997, the Office of Surface Mining Reclamation and Enforcement (OSM) of the U.S. Department of the Interior (DOI) published proposed rules which would implement and interpret section 522(e) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM has received several requests to hold public hearings on the proposed rule and the supporting environmental impact statement and economic analysis and is announcing that public hearings will be held.

DATES: Public hearings are scheduled for: May 15, 1997, in Athens, Ohio at 7:00 p.m; May 20, 1997, in Whitesburg, Kentucky at 7:00 p.m.; May 20, 1997 in Washington, Pennsylvania at 6:00 p.m.; and May 21, 1997, in Billings, Montana at 7:00 p.m.

ADDRESSES: The public hearings will be held in: Athens, Ohio at the Ohio University Inn, 331 Richland Avenue, Athens, Ohio 45701; Whitesburg, Kentucky at the Appalshop, 306 Madison Street, Whitesburg, KY 41585; Washington, Pennsylvania at the Ramada Inn, 1170 Chestnut Street, Washington, PA 15301; and Billings, Montana at the Sheraton Billings, 27 North 27th Street, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Andy DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, N.W., Washington, D.C. 20240; Telephone (202) 208–2701; E-Mail: adevito@osmre.gov.

SUPPLEMENTARY INFORMATION: On January 31, 1997 (62 FR 4836–72) OSM published two proposed rules dealing with the interpretation and implementation of section 522(e) of SMCRA. The first rule, RIN 1029–AB42, would amend OSM's regulations to redefine the circumstances under which a person has valid existing rights (VER) to conduct surface coal mining operations in areas where such operations are otherwise prohibited by section 522(e) of SMCRA. The second rule RIN 1029–AB82, is a proposed interpretative rulemaking to address the question of whether subsidence due to underground mining is a surface coal mining operation and thus prohibited in areas enumerated in section 522(e) of SMCRA. On January 31, 1997 (62 FR 4759), OSM also made available for public comment an Environmental Impact Statement analyzing the impact of the two proposed rules and the alternatives under consideration.

OSM has received requests to hold public hearings on the proposed rule and supporting documentation. As a result, OSM has scheduled four public hearings on the proposed rules. Refer to **DATES** and **ADDRESSES** for the times, dates and locations for each hearing. The hearings will continue until all persons wishing to testify have been heard. To assist the transcriber and ensure an accurate record, OSM requests that persons who testify at a hearing give the transcriber a written copy of their testimony, if possible.

Dated: April 22, 1997.

Gene E. Krueger,

Acting Assistant Director, Program Support.

[FR Doc. 97–10771 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 901

[SPATS No. AL–067–FOR]

Alabama Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing receipt of a proposed amendment to the Alabama regulatory program (hereinafter the ''Alabama program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The proposed amendment consists of revisions to the Alabama Surface Mining Commission Rules pertaining to hearing orders and decisions, license application requirements, procedures for permit application review, determination of bond forfeiture amount, surface and ground water monitoring, disposal of excess spoil, and coal mine waste. The amendment is intended to revise the Alabama program to provide additional safeguards, clarify ambiguities, and improve operational efficiency.

This document sets forth the times and locations that the Alabama program and proposed amendment to that program are available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received by 4:00 p.m., c.d.t., May 27, 1997. If requested, a public hearing on the proposed amendment will be held on May 20, 1997. Requests to speak at the hearing must be received by 4:00 p.m., c.d.t. on May 12, 1997.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand delivered to Andrew R. Gilmore, Acting Director, Birmingham Field Office, at the address listed below.

Copies of the Alabama program, the proposed amendment, a listing of any scheduled public hearings, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Birmingham Field Office.

Andrew R. Gilmore, Acting Director, Birmingham Field Office, Office of Surface Mining Reclamation and Enforcement, 135 Gemini Circle, Suite 215, Homewood, Alabama 35209, Telephone: (205) 290–7282.

Alabama Surface Mining Commission, 1811 Second Avenue, P.O. Box 2390, Jasper, Alabama 35502–2390, Telephone (205) 221–4130.

FOR FURTHER INFORMATION CONTACT: Andrew R. Gilmore, Acting Director, Birmingham Field Office, Telephone: (205) 290–7282.

SUPPLEMENTARY INFORMATION:

I. Background on the Alabama Program

On May 20, 1982, the Secretary of the Interior conditionally approved the Alabama program. Background information on the Alabama program, including the Secretary's findings, the disposition of comments, and the conditions of approval can be found in the May 20, 1982, **Federal Register** (47 FR 22062). Subsequent actions concerning the conditions of approval and program amendments can be found at 30 CFR 901.15 and 901.16.

II. Description of the Proposed Amendment

By letter dated March 28, 1997 (Administrative Record No. AL–0562), Alabama submitted a proposed amendment to its program pursuant to SMCRA. Alabama submitted the proposed amendment at its own initiative. Alabama proposes to amend 11 sections of the Alabama Surface Mining Commission Rules. The full text of the proposed program amendment submitted by Alabama is available for public inspection at the locations listed above under **ADDRESSES**. A brief discussion of the proposed amendment is presented below.

1. Rule 880–X–5A–.22 Orders and Decisions

Alabama is proposing to replace the existing requirements for hearing orders and decisions with the following new requirements. At paragraph (1)(a), the hearing officer is to make a written decision within 60 days after the close of any hearing. At paragraph (1)(b), the Division of Hearings and Appeals (DHA) is to provide copies of all orders of the hearing officer to all parties, other than the regulatory authority, by first class mail. At paragraph (2), any party may petition the Commission for an expedited review of any pending appeal if the hearing officer fails to render a decision within the time specified in paragraph (1)(a).

2. Rule 880–X–6A–.06 License Application Requirements

At paragraph (k), the reference to ''Chapter 880–X–7'' is corrected to read ''Chapter 880–X–8.''

3. Rule 880–X–7B–.07 Procedures for Permit Application Review

In the first sentence of paragraph (5), the word ''signator'' is corrected to read ''signatory.''

4. Rule 880–X–9E–.05 Determination of Forfeiture Amount

At paragraph (2), the word ''principle'' is corrected to read ''principal'' and minor language changes are made to clarify the existing requirement. At paragraph (3), minor language changes were made to clarify the existing requirement.

5. Rule 880–X–10C–.23 Hydrologic Balance: Surface and Ground Water Monitoring

At paragraph (2)(a), the reference to ''Rule 880–X–8E–.06(7)'' is corrected to read ''Rule 880–X–8E–.06(1)(j).''

6. Rule 880–X–10C–.36 Disposal of Excess Spoil (Surface Mining Activities)

At paragraph (13)(b), the word ''fields'' is corrected to read ''fills.'' At paragraph (13)(b)1., the reference to ''Rule 880–X–10C–.41'' is corrected to read ''Rule 880–X–10C–.40.'' In the first sentence of paragraph (16)(a), the language ''in natural ground along the periphery of the fill'' is removed.

7. Rule 880–X–10C–.38 Coal Mine Waste: General Requirements (Surface Mining Activities)

At Rule 880–X–10C–.38, existing paragraph (1)(d) is removed and existing paragraphs (1)(e) and (1)(f) are redesignated paragraphs (1)(d) and (1)(e), respectively.

8. Rule 880–X–10–.40 Coal Mine Waste: Refuse Piles (Surface Mining Activities)

At paragraph (3)(a), Alabama is proposing an exception to the requirement to spread coal mine waste in layers no thicker than 24 inches. If engineering data substantiates a minimum safety factor of 1.5 for the refuse pile, the State regulatory authority may approve layers exceeding 24 inches in thickness.

9. Rule 880–X–10D–.33 Disposal of Excess Spoil and Underground Development Waste (Underground Mining Activities)

At paragraph (13)(b), the word ''fields'' is corrected to read ''fills.'' At paragraph (13)(b)1., the reference to ''Rule 880–X–10D–.37'' is corrected to read ''Rule 880–X–10D–.36.'' In the first sentence of paragraph (16)(a), the language ''in natural ground along the periphery of the fill'' is removed.

10. Rule 880–X–10D–.34 Coal Mine Waste: General Requirements (Underground Mining Activities)

At Rule 880–X–10D–.34, existing paragraph (1)(d) is removed and existing paragraphs (1)(e) and (1)(f) are redesignated paragraphs (1)(d) and (1)(e), respectively.

11. Rule 880–X–10D–.36 Coal Mine Waste: Refuse Piles (Underground Mining Activities)

At paragraph (3)(a), Alabama is proposing an exception to the requirement to spread coal mine waste in layers no thicker than 24 inches. If engineering data substantiates a minimum safety factor of 1.5 for the refuse pile, the State regulatory authority may approve layers exceeding 24 inches in thickness.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is seeking comments on whether the proposed amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If the amendment is deemed adequate, it will become part of the Alabama program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Birmingham Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to speak at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., c.d.t. on May 12, 1997. The location and time of the hearing will be arranged with those persons requesting the hearing. Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT.** If no one requests an opportunity to speak at the public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to speak have been heard. Persons in the audience who have not been scheduled to speak, and who wish to do so, will be heard following those who have been scheduled. The hearing will end after all persons scheduled to speak and persons present in the audience who wish to speak have been heard.

Public Meeting

If only one person requests an opportunity to speak at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendment may request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings will be open to the public and, if possible, notices of meetings will be

posted at the locations listed under **ADDRESSES**. A written summary of each meeting will be made a part of the Administrative Record.

IV. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 901

Intergovernmental relations, Surface mining, Underground mining.

Dated: April 18, 1997.

Deborah Watford,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 97–10772 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 251

RIN 0596–AB57

Land Uses

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Forest Service proposes regulations to establish the procedures by which certain persons may conduct revenue-producing visitor services in Conservation System Units within the National Forests in Alaska. These regulations are required by section 1307 of the Alaska National Interest Lands Conservation Act. The intended effect is to establish workable procedures for recognizing and administering the statutory rights and preferences for conducting visitor services.

DATES: Comments must be received in writing by June 24, 1997.

ADDRESSES: Send written comments to Regional Forester, Alaska Region, Forest Service, USDA, PO Box 21628, Juneau, AK 99802–1628.

The public may inspect comments received on this proposed rule at the Alaska Regional Office, Room 519A, Federal Building, 709 W. 9th Street, Juneau, AK 99802, Monday through Friday between the hours of 8 a.m. to noon and 12:30 p.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Arn Albrecht, Public Services Staff, Alaska Region, (907) 586–7886.

SUPPLEMENTARY INFORMATION:

Background

The Forest Service manages National Forest System lands in Alaska consisting of the Tongass and the Chugach National Forests in southeast and southcentral areas of the State. A number of laws govern the issuance and administration of special use authorizations that authorize a variety of visitor services operated by private concessionaires, ranging from outfitting and guiding to resorts. These laws include the Organic Organization Act of June 4, 1897; the Term Permit Act of March 4, 1915; the Granger-Thye Act of April 24, 1950; the Land and Water Conservation Fund Act of September 3, 1964; the Wilderness Act of September 3, 1964, the Alaska National Interest Lands Conservation Act of 1980; and the National Ski Area Permit Act of 1986. Regulations at 36 CFR part 251, subpart B address the special-use application process; the nature of interest of an authorization; terms and conditions of use; rental fees; issuance; termination; revocation; suspension; and renewal. These regulations must be augmented to implement the special statutory requirements specific to Conservation System Units within the National Forests in Alaska.

Statutory Requirements

The Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3101 *et seq.*) provided for the disposition and use of a variety of federally owned lands in Alaska. Section 1307 (16 U.S.C. 3197) contains two provisions concerning persons and entities who are to be given special rights and preferences with respect to revenue producing ''visitor services'' on certain lands within the National Forest System designated by ANILCA as Conservation System Units under the administration of the Secretary of Agriculture.

A Conservation System Unit, as it relates to the National Forests, means any unit in Alaska of the National Wild and Scenic River System, National Trail System, National Wilderness Preservation System or a National Forest Monument including existing Units or any such Unit established, designated, or expanded hereafter. (ANILCA section 102(4)) (43 U.S.C. 1618)

Subsection (a) of section 1307 (16 U.S.C. 3197) provides that, notwithstanding any other provision of law, the Secretary of Agriculture, under

such terms and conditions as he determines are reasonable, shall permit any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a Conservation System Unit to continue providing such type of service and similar types of visitor services within such area, if such service or services are consistent with the purposes for which such unit is established or expanded.

Subsection (b) of section 1307 (16 U.S.C. 3197) provides that in selecting persons to provide any type of visitor service for any Conservation System Unit, except sport fishing and hunting guiding activities, and except as provided in subsection (a), the Secretary of Agriculture shall (1) give preference to the Native Corporation which the Secretary determines is most directly affected by the establishment or expansion of such unit by or under the provisions of this Act; and (2) give preference to persons whom he determines, by rule, are local residents. (16 U.S.C. 3197)

Subsection (c) of section 1307 (43 U.S.C. 1611) defines ''Visitor Service'' to mean any service made available for a fee or charge to persons who visit a Conservation System Unit, including such services as providing food, accommodations, transportation, tours and guides, excepting the guiding of sport hunting and fishing.

Interagency Coordination

On April 25, 1995, the National Park Service and the United States Fish and Wildlife Service each issued proposed rules to implement section 1307 of ANILCA for national park lands and refuges in Alaska. The Forest Service has coordinated with these agencies in the development of these proposed regulations in order to provide consistency in the implementation of this section of ANILCA in so far as is practical within the framework of each agency's legal mandates.

Section-by-Section Explanation

The Forest Service proposes to augment the special uses rules at subpart B by establishing a new subpart E to govern ''Revenue Producing Visitor Services in Alaska''. An explanation of each section of this proposed subpart follows.

Proposed Section 251.120 Scope and Applicability

This section explains that these regulations implement section 1307 of ANILCA with regard to the continuation of visitor services existing as of January 1, 1979, and to granting preference to local residents and certain Native Corporations to obtain special use authorizations for visitor services on designated lands within the Tongass and Chugach National Forests in Alaska. The regulations will apply only to Forest Service administered Conservation System Units (CSU's), not all National Forest Lands. Existing CSU's within the Tongass and Chugach National Forests include the following:

National Monuments Established Within the Tongass National Forest

Misty Fiords National Monument
Admiralty Island National Monument

Wilderness Areas Established Within the Tongass National Forest

Chuck River Wilderness
Coronation Island Wilderness
Endicott River Wilderness
Karta Wilderness
Kootznoowoo Wilderness
Kuiu Wilderness
Maurelle Islands Wilderness
Misty Fiords National Monument Wilderness
Petersburg Creek-Duncan Salt Chuck Wilderness
Pleasant/Lemesurier/Indian Islands Wilderness
Russell Fiord Wilderness
South Baranof Wilderness
South Etolin Wilderness
South Prince of Wales Wilderness
Stikine-LeConte Wilderness
Tebenkof Bay Wilderness
Tracy Arm-Fords Terror Wilderness
Warren Island Wilderness
West Chichagof-Yakobi Wilderness

Units of the National Trails System

Iditarod National Historic Trail (Seward to Girdwood Section on the Chugach National Forest)
National Recreation Trails (six on Tongass NF and four on the Chugach NF)

Units of the Wild and Scenic River System

There are no Wild, Scenic, or Recreation Rivers currently designated within the National Forests in Alaska.

This section also explains that existing regulations in 36 CFR part 251, subpart B, concerning special use authorizations apply unless expressly waived by the rules in subpart E. In conformance with ANILCA, this section states that this subpart does not apply to the guiding of sport hunting and fishing.

Proposed Section 251.121 Definitions

This section provides a number of definitions for special terms used in the regulations. Pertinent definitions are discussed under various sections of the proposed rule.

Proposed Section 251.122 Historical Operator Special Use Authorizations

These provisions implement subsection (a) of section 1307 and permit persons who were adequately providing visitor services in applicable National Forest areas in Alaska prior to January 1, 1979, to continue to do so under reasonable terms and conditions.

Persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within a Conservation System Unit in Alaska, who have continued to provide that visitor service, and who have retained controlling interest in the business would be considered ''historical operators'' under these regulations.

Proposed § 251.122 establishes the process by which persons who qualify as historical operators could exercise the rights and preferences granted under section 1307(a) of ANILCA.

This section makes it clear that the existence of a right to continue to provide visitor services under subsection 1307(a) is not an unlimited right. Rather, such a right is subordinate to the management of the CSU and does not grant a monopoly to provide all visitor services in a given area to the exclusion of other individuals or entities. A historical operator; however, may provide services similar to those provided prior to January 1, 1979, if acceptable to the Forest Service as consistent with the purposes of the CSU and provided that the similar services are not in excess of those provided by the permit holder as of January 1, 1979.

This section also specifies under what circumstances historical operator rights are lost. These include revocation due to failure to comply with the special use authorization terms and conditions; declination of a special use authorization renewal offer; and failure to provide authorized services for a period of 24 consecutive months. In addition, the rights of a historical operator would be considered terminated upon a change in the controlling interest in the historical operator. This provision is necessary to prevent transfer of these ''grandfathered'' rights to third parties. If the acquisition of the controlling interest is by an individual(s) personally engaged in the visitor service activity before January 1, 1979, historical operator rights would continue to be recognized. For example, an individual (qualified as a historical operator) holding a special use authorization may

transfer a controlling interest in the business to a spouse, child, or informal partner if the transferee was personally engaged in the conduct of the historical business prior to January 1, 1979.

Proposed Section 251.123 Preferred Operator Competitive Special Use Authorization Procedures

This section implements subsection (b) of section 1307 and would grant a preference to certain individuals and Native Corporations in the award of special use authorizations to provide visitor services in CSUs.

The provisions of this section apply to two categories of persons to be given a preference pursuant to section 1307(b) of ANILCA, collectively referred to as ''preferred oeprators''. Both categories have equal preference in the award of a special use authorization.

The first category of preferred operators is the Native Corporation determined by the authorized officer to be most directly affected by the establishment or expansion of the CSU.

The second category of preferred operators consists of persons who are determined by the authorized officer to be current local residents. A ''local resident'' is defined in these proposed regulations to mean:

(1) *For individuals.* Those individuals who have lived within the local area for 12 consecutive months before issuance of a solicitation of applications for a special use authorization for visitor services in a CSU and who maintain their primary, permanent residence and business within the local area and who, whenever absent from this primary, permanent residence, have the intention of returning to it. Factors demonstrating the locations of an individual's primary, permanent residence and business may include, but are not limited to, the permanent address indicated on licenses issued by the State of Alaska, tax returns, and voter registration.

(2) *For corporations.* A corporation in which the controlling interest is held by an individual or individuals who qualify as ''local resident(s)'' within the meaning of this section. For non-profit corporations a majority of the board members and a majority of the officers must qualify as ''local residents''.

A ''local area'' is defined as that area within 100 miles of the location within a Conservation System Unit where any visitor services covered by a single solicitation by the Forest Service are to be authorized. The area covered by a particular solicitation where visitor services would be authorized could vary from a specific location within a CSU to the entire area within the CSU boundary depending upon the particular visitor services being solicited.

Proposed § 251.124 establishes a procedure for the solicitation and award of special use authorizations, which incorporates the rights of preferred operators under section 1307(b). This section of the law takes effect only when there is a competitive award of a special use authorization. Under proposed § 251.124 the authorized officer must publicly solicit offers to provide visitor services by issuing a prospectus, when the Forest Service determines the following:

(1) There is a need for visitor services within the area of the CSU;

(2) There is a need to limit authorized visitor use in the area and/or the number of authorized operators;

(3) There is an opportunity for competitive bidding to provide such services; and

(4) The proposed visitor services are consistent with the applicable Forest Plan direction and all applicable laws and regulations.

In all other situations, except as provided in proposed § 251.122 for historical operators, special use authorizations would be issued non-competitively on a first-come, first-serve basis upon application to the authorized officer in accordance with the rules at subpart B.

In soliciting applications for special use authorizations for visitor services, the authorized officer must include the selection criteria in the prospectus describing the services to be provided. At a minimum, the authorized officer's selection of the best offer shall be based on an evaluation of the applicant's timely response to the following criteria:

(1) The kind and quality of visitor service(s) to be provided:

(2) The experience and qualifications required of the operator to demonstrate capability;

(3) The applicant's financial resources and status; and

(4) The amount of return to the Government.

In order to exercise the preference, a preferred operator must submit a responsive offer under the terms of a public solicitation generally referred to as a prospectus. If the preferred operator submits the best overall offer, that operator would be awarded the special use authorization if the preferred operator is determined to be capable of carrying out the terms of the special use authorization. If the best offer received in response to the solicitation is made by an applicant other than a preferred operator, then the preferred operator, who made the best offer of all the preferred operators, shall be given the opportunity to amend the offer to meet the terms and conditions of the best offer. The special use authorization would be awarded to that preferred operator, if the authorized officer concludes that the preferred operator's amended offer is substantially equal to the best offer and that the preferred operator is capable of carrying out the terms of the special use authorization. Otherwise, the special use authorization will be awarded to the original overall best offer. By allowing only the operator with the best offer among the preferred operators to meet the terms and conditions of the overall best offer, this section provides a process for dealing with offers from multiple preferred operators in a way that encourages initial competitive offers from all applicants, while still providing for the statutory preferences.

If a preferred operator's offer under this subpart is in the form of a joint venture, the offer shall be considered valid only when it documents to the satisfaction of the authorized officer that the preferred operator holds the controlling interest in the joint venture.

Native Corporations and local residents, who submit an offer in the form of a joint venture with other persons, will retain their preferred operator status so long as they have the controlling interest in the joint venture. This provision allows business flexibility without compromising the statutory intent of section 1307.

Proposed Section 251.124 Most Directly Affected Native Corporation Determination

This section establishes procedures and criteria for determining which Native Corporation is most directly affected by the establishment or expansion of a particular CSU and, accordingly, is a preferred operator with respect to that CSU. Before the award of the first special use authorizations after the effective date of this subpart, interested Native Corporations will be given the opportunity to be considered for a determination of ''most directly affected''. In giving notice of the application procedure, the authorized officer would make clear that this is the only opportunity to apply for ''most directly affected'' status for that particular CSU. In the event that more than one Native Corporation is determined to be equally affected, each such corporation will be considered a preferred operator. An authorized officer's decision as to the ''most directly affected'' Native Corporation or, if appealed under 36 CFR part 251, subpart C, the reviewing officer's

decision, is applicable for all future visitor services for that particular CSU.

Proposed Section 251.125 Preferred Operator Privileges and Limitations

This proposed section specifies the privileges and limitations accorded to preferred operators. Except as provided at § 251.122(d)(2)(ii) for historic operators, preferred operators would have preference over all other applicants in the issuance of special use authorizations. The preferences described in this section could not be sold, assigned, transferred, or devised, directly or indirectly. If an operator qualifies as a local resident for any part of an area designated in a solicitation for a specific visitor service, the operator shall be treated in matters related solely to that solicitation as a local resident for the entire area covered by that solicitation. Local residents and ''most directly affected'' Native Corporations have equal priority for consideration in providing visitor services. As with historical operators, the Forest Service does not intend that preferred operators obtain an exclusive right to provide visitor services to the exclusion of other individuals or entities.

Proposed Section 251.126 Appeal Procedures

This section of the proposed rule makes clear that decisions related to the issuance of special use authorizations in response to written Forest Service solicitations or to the modifications of special use authorizations to reflect historical use may be appealed under existing Forest Service appeal regulations in part 251 subpart C.

Conclusions

These regulations are needed to implement the provisions of ANILCA concerning the rights and preferences granted to historical operators, local residents, and ''most affected'' Native Corporations in the award of special use authorizations for visitor services. For a number of years following the passage of ANILCA, there was little need to limit use or the number of special use authorizations for visitor services within the CSUs administered by the Forest Service. With increasing tourism and numbers of applicants for special use authorizations to provide visitor services, there may be a need to limit the number of special use authorizations in specific areas to protect resource values. In these situations, special use authorizations will need to be competitively awarded in a process that honors the statutory rights and preferences. These proposed regulations are intended to provide that process. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed rule.

Regulatory Impact

This proposed rule has been reviewed under USDA procedures and Executive Order 12866 on Regulatory Planning and Review. It has been determined that this is not a significant rule. This rule will not have an annual effect of $100 million or more on the economy nor adversely affect productivity, competition, jobs, the environment, public health or safety, nor State or local governments. This rule will not interfere with an action taken or planned by another agency nor raise new legal or policy issues. Finally, this action will not alter the budgetary impact of entitlements, grants, user fees, loan programs or the rights and obligations of recipients of such programs. Accordingly, this proposed rule is not subject to OMB review under Executive Order 12866.

Moreover, this proposed rule has been considered in light of the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), and it is certified that this action will not have a significant economic impact on a substantial number of small entities as defined by that Act. The agency estimates that less than 100 small entities would be affected by this rule for the foreseeable future and the effect would not be a significant economic one. The statute itself provides a competitive advantage for Native Corporations and local residents which may qualify as small entities. The rules merely provide the process by which the statute can be implemented and, in and of themselves, do not add or decrease any preference granted by the statute.

Environmental Impact

An environmental assessment has been prepared on this proposed rule and is available from the office listed under **ADDRESSES** earlier in this document. A determination of the significance of environmental impacts of the proposed action will be made upon adoption of the final rule. Reviewers may include comments on the environmental assessment along with any comments submitted on the proposed rule.

No Takings Implications

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12630, and it has been determined that the proposed rule does not pose a risk of a taking of Constitutionally-protected private property.

Controlling Paperwork Burdens on the Public

The information required to determine the most directly affected Native Corporations in § 251.124 of this proposed rule represents a new information requirement as defined in 5 CFR part 1320, Controlling Paperwork Burdens on the Public. In accordance with those rules and the Paperwork Reduction Act of 1995, as amended (44 U.S.C. 3507), the Forest Service is requesting Office of Management and Budget review and approval of the information required for making the most affected Native Corporation determinations.

The collections of information contained in § 251.122 and § 251.123 of this proposed rule are for purposes of preparing an offer in response to visitor services solicitation pursuant to 36 CFR part 251, subpart B, and have been approved by the Office of Management and Budget and assigned a clearance number of 0596–0082.

Description of Information Collection

The following describes the information collection associated with this rulemaking:

Title: Most directly affected Native corporation determination.

OMB Number: New.

Expiration Date of Approval: New.

Type of Request: The following describes a new collection requirement and has not received approval by the Office of Management and Budget.

Abstract: This paperwork collection provides the necessary information for the Forest Service to determine which Alaska Native corporations qualify for the statutory preference in the award competitively issued special use authorizations for commercial visitor services on designated lands within the National Forests in Alaska. The Forest Service must determine which Native Corporations were most affected by the establishment of particular Conservations System Units (CSU) in order to provide the statutory priority required by the Alaska National Interest Lands Conservation Act (16 U.S.C. 3197). The collection of needed information will require time to review instructions, search existing data sources, and to gather and maintain data. Data collected in this information collection is not available from other sources. This is a one time collection for each CSU. Information gathering and ''most affected'' determinations will likely be made on only one CSU annually.

Estimate of Burden: 20 hours.

Type of Respondents: Alaska Native Corporations.

Estimated Number of Respondents: 10 per year.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1×20×10=200 hours.

Comments are Invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of this agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden to the Regional Forester, Alaska Region, at the address shown in this document as well as to the: Forest Service Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.

Unfunded Mandates Reform

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, the Forest Service has assessed the effects of this rule on State, local, and tribal governments and the private sector. This rule does not compel the expenditure of $100 million or more by any State, local, or tribal governments or anyone in the private sector. Therefore, a statement under section 202 of the Act is not required.

Civil Justice Reform Act

This proposed rule has been reviewed under Executive Order 12778, Civil Justice Reform. If this proposed rule were adopted, (1) all state and local laws and regulations that are in conflict with this proposed rule or which would impede its full implementation would be preempted; (2) no retroactive effect would be given to this proposed rule; (3) it would not require administrative proceedings before parties may file suite in court challenging its provisions.

List of Subjects in 36 CFR Part 251

Electric power, Mineral resources, National forest land uses, National forests, Rights-of-way, and Water resources.

Therefore, for the reasons set forth in the preamble, it is proposed to amend part 251 of title 36 of the Code of Federal Regulations as follows:

PART 251—LAND USES

1. The authority citation for Part 251 is revised to read as follows:

Authority: 16 U.S.C. 472, 551, 1134, 3170, 3197, 3210; and 30 U.S.C. 185; and 43 U.S.C. 1740, unless otherwise noted.

2. Add a new subpart E to read as follows:

Subpart E—Revenue Producing Visitor Services in Alaska

Sec.

Subpart E—Revenue Producing Visitor Services in Alaska

§ 251.120 Applicability and scope.

(a) These regulations implement section 1307 of Alaska National Interest Lands Conservation Act (16 U.S.C. 3197) with regard to the continuation of visitor services offered as of January 1, 1979, and the granting of a preference to local residents and certain Native Corporations to obtain special use authorizations for visitor services on Conservation System Units of the Tongass and Chugach National Forests in Alaska (hereafter CSUs).

(b) Except as may be specifically provided in this subpart, the regulations at subpart B shall apply to special use authorizations considered or issued under this subpart.

(c) This subpart does not apply to the guiding of sport hunting and fishing.

§ 251.121 Definitions.

In addition to the definitions in subpart B of this part, the following terms apply to this subpart:

Best offer means the offer, as determined by the authorized officer, that best meets the selection criteria established in a prospectus soliciting specific visitor services in CSUs in National Forests in Alaska.

Conservation System Unit (CSU) as it relates to the Tongass and Chugach National Forests in Alaska means a National Forest Monument or any unit of the National Wild and Scenic River System, National Trail System, or National Wilderness Preservation System.

Controlling interest means, in the case of a corporation, an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business, so as to permit the authorization exercise of managerial authority over the actions and operations of the corporation, or election of a majority of the board of directors of the corporation. In the case of a partnership, limited partnership, joint venture or individual entrepreneurship, ''controlling interest'' means a beneficial ownership of, or interest in, the business entity so as to permit the exercise of managerial authority over the actions and operations of the entity. In other circumstances, ''controlling interest'' means any arrangement under which a third party has the ability to exercise general management authority over the actions or operations of the business.

Historical operator means a current holder of a valid special use authorization for providing revenue producing visitor services on a CSU under Forest Service jurisdiction that meets the following criteria:

(1) On or before January 1, 1979, the holder was lawfully engaged in adequately providing visitor services in the same CSU;

(2) The holder has continued to lawfully provide the same or similar types of visitor services within the same CSU; and

(3) The holder is otherwise determined by the authorized officer to have a right to continue to provide the same or similar visitor services.

Local area means that area within 100 miles of the location within a CSU where any visitor services covered by a single solicitation by the Forest Service are to be authorized.

Local resident means the following:

(1) *For individuals.* Those individuals who have lived within the local area for 12 consecutive months before issuance of a solicitation of applications for a use authorization for visitor services for a CSU and who maintain their primary, permanent residence and business within the local area and who whenever absent from this primary, permanent residence, have the intention of returning to it. Factors demonstrating the locations of an individual's primary, permanent residence and business may include, but are not limited to, the permanent address indicated on

licenses issued by the State of Alaska, tax returns, and voter registration.

(2) *For corporations.* A corporation in which the controlling interest is held by an individual or individuals who qualify as ''local resident(s)'' within the meaning of this section. For non-profit corporations, a majority of the board members and a majority of the officers must qualify as ''local residents''.

Native Corporation has the same meaning as the term is defined in section 102(6) of the Alaska National Interest Lands Conservation Act (ANILCA).

Preferred operator means a Native Corporation that is determined, pursuant to § 251.124, to be ''most directly affected'' by establishment or expansion of the CSU, or a local resident, as defined in this section, who competes for a visitor service special use authorization under § 251.123 of this subpart.

Responsive offer is one that is timely received and meets the terms and conditions of the solicitation document.

Visitor service means any service or activity for which persons who visit a CSU pay a fee, commission, brokerage or other compensation including such services as providing food, accommodations, transportation, tours and outfitting and guiding, except the guiding of sport hunting and fishing.

§ 251.122 Historical operator special use authorizations.

(a) A historical operator has a right to continue to provide visitor services existing on or before January 1, 1979, in a CSU under appropriate terms and conditions contained in a special use authorization so long as such services are determined by the authorized officer to be consistent with the purposes for which the CSU was established. A historical operator may not operate without such as authorization.

(b) Any person who qualifies as a historical operator under this subpart and who wishes to exercise the rights and preferences granted to historical operators under section 1307(a) of ANILCA must notify the authorized officer responsible for the CSU. In determining whether a person qualifies as a historical operator, the authorized officer has the discretion to determine on a case-by-case basis whether visitor services are the same or similar to those provided on or before January 1, 1979.

(c) Upon the authorized officer's determination that the person qualifies as a historical operator, the authorized officer shall amend the current special use authorization or issue a new special use authorization to identify that portion of the authorized services that are deemed to be historical operations. The special use authorization shall identify the location(s), type(s), frequency(ies), or volume of visitor services to be provided.

(d) When a historical operator's special use authorization expires, the authorized officer shall offer to renew the special use authorization for the same or similar visitor services so long as the services provided under the previous special use authorization were adequate, the services remain consistent with the purposes for which the CSU was established or expanded, and the holder continues to possess the capability to provide the visitor services adequately.

(1) If the operator accepts the renewal offer, the authorized officer shall issue a new special use authorization that clearly identifies the historical operations as required by paragraph (c) of this section.

(2) If the authorized officer determines that it is necessary to reduce the visitor services to be provided by a historical operator, the authorized officer shall modify the historic operator's special use authorization to reflect the reduced services as follows:

(i) If more than one historical operator provides services in the area where visitor service capacity is to be reduced, the authorized officer shall apportion the reduction among the historical operators, taking into account historical operating levels and such other factors as are relevant to achieve a proportionate reduction among the operators.

(ii) If the reductions in visitor service capacity make it feasible to support only one operator in an area, the authorized officer shall select, through a competitive process that is limited to historical operators only, the operator to receive the special use authorization from among the historical operators.

(e) Any of the following shall result in the loss of historical operator status:

(1) Revocation of a special use authorization for historic types and levels of visitor services for failure to comply with the terms and conditions of the special use authorization;

(2) A historical operator's declination of a special use authorization renewal offer made pursuant to paragraph (d) of this section;

(3) A change in the controlling interest of the historical operator through sale, assignment, devise, transfer, or otherwise except as provided in paragraph (f) of this section; or

(4) An operator's failure to provide the authorized services for a period of more than 24 consecutive months.

(f) A change in the controlling interest of a historical operator that results only in the acquisition of the controlling interest by an individual or individuals, such as a child or sibling, who were personally engaged in the visitor service activities of the historical operator before January 1, 1979, shall not be deemed a change in the historical operator's controlling interest for the purpose of this subpart.

(g) Nothing in this section shall prohibit the authorized officer from authorizing persons other than historical operators to provide visitor services in the same area, so long as historical operators receive authorization to provide visitor services at a level and scope equal to those they provided on or before January 1, 1979.

(h) In the event that an authorized officer grants to a historical operator an increase in scope or level of visitor services from that provided on or before January 1, 1979, the historical operator has no right of preference for the increased amount of authorized services. If additional operations are authorized, the special use authorization shall clearly indicate that the additional amount is not subject to the historical operations preference.

§ 251.123 Preferred operator competitive special use authorization procedures.

(a) The authorized officer shall publicly solicit offers to provide visitor services when the Forest Service determines the following:

(1) There is a need for visitor services within the area of the CSU;

(2) There is a need to limit authorized visitor use in the area and/or the number of authorized operators;

(3) There is an opportunity for competitive bidding to provide such services; and

(4) The proposed visitor services are consistent with the Forest Plan direction and all applicable laws and regulations.

(b) In soliciting applications for special use authorizations, the authorized officer shall include the selection criteria in the prospectus describing the services to be provided. At a minimum, the authorized officer's selection of the most responsive offer shall be based on evaluation of the applicant's timely response to the following criteria:

(1) The kind and quality of visitor service(s) to be provided;

(2) The experience and qualifications required of the operator to demonstrate capability;

(3) Applicant's financial resources and status; and

(4) The amount of return to the Government.

(c) To qualify as a preferred operator under this subpart, an applicant responding to a solicitation made under this section must be determined by the authorized officer to be a local resident as defined in § 251.121 of this subpart, or the most directly affected Native Corporation by establishment or expansion of the CSU covered by the solicitation pursuant to § 251.124 of this subpart.

(d) A qualified preferred operator shall be given preference, pursuant to paragraph (e) of this section, over all other operators except as provided for historical operators in section 251.122. of this subpart.

(e) If the best offer received in response to the solicitation is made by an applicant other than a preferred operator, then the preferred operator who made the best offer of all the preferred operators shall be given the opportunity to amend its offer to meet the terms and conditions of the best offer.

(1) If the preferred operator amends its offer, the authorized officer shall award the special use authorization to the preferred operator, if the following conditions are met:

(i) The authorized officer concludes the preferred operator's amended offer is substantially equal to that of the best offer; and

(ii) The authorized officer determines the preferred operator is capable of carrying out the terms of the special use authorization.

(2) The authorized officer shall award the special use authorization to the applicant who made the initial best offer in either of the following circumstances:

(i) The authorized officer concludes that the preferred operator's amended offer is not substantially equal to the initial best offer; or

(ii) The authorized officer concludes that the preferred operator's amended offer is substantially equal to the initial best offer, but the operator is not capable of carrying out the terms of the special use authorization.

(f) An offer from a preferred operator under this subpart, in the form of a joint venture, shall be considered valid only when the offer documents to the satisfaction of the authorized officer that the preferred operator holds the controlling interest in the joint venture.

§ 251.124 Most directly affected Native corporation determination.

(a) Before the award of the first special use authorization issued after the effective date of this subpart pursuant to § 251.123 for a specific CSU, the authorized officer shall give notice to and provide an opportunity for Native Corporations interested in providing visitor services within the CSU to submit an application to be considered the Native Corporation most directly affected by the establishment or expansion of the CSU by or under the provisions of ANILCA. In giving notice of the application procedure, the authorized officer shall make clear that this is the only opportunity to apply for ''most directly affected'' status for that particular CSU.

(1) At a minimum, an application from an interested Native Corporation shall include the following information:

(i) Name, address, and phone number of the Native Corporation; date of incorporation; its articles of incorporation and structure; and the name of the applicable CSU and the solicitation that the Native Corporation is responding to; and

(ii) Location of the corporation's population center or centers; and

(iii) An assessment of the socioeconomic impacts, including changes in historical and traditional use and landownership patterns and their effects on the Native Corporation, resulting from the expansion or establishment of the applicable CSU by ANILCA; and

(2) In addition to the minimum information required by paragraph (a)(1) of this section, Native Corporations may submit such additional information as they consider relevant.

(b) Upon receipt of all applications from interested Native Corporations, the authorized officer shall determine the ''most directly affected'' Native Corporation considering the following factors:

(1) Distance and accessibility from the corporation's population center and/or business address to the applicable CSU; and

(2) Socioeconomic impacts, including changes in historical and traditional use and landownership patterns and their effects on Native Corporations resulting from the expansion or establishment of the applicable CSU; and

(3) Information provided by Native Corporations and other information considered relevant by the authorized officer to the particular facts and circumstances related to the effects of the establishment or expansion of the applicable CSU.

(c) In the event that more than one Native Corporation is determined to be equally affected within the meaning of this section, each such Native Corporation shall be considered a preferred operator under this subpart.

(d) A corporation determined to be most directly affected for a CSU will maintain that status for all future visitor service solicitations.

§ 251.125 Preferred operator privileges and limitations.

(a) Except as provided at § 251.122(d)(2)(ii), preferred operators have preference over all other applicants in the issuance of special use authorizations pursuant to § 251.123 of this subpart.

(b) The preferences described in this section may not be sold, assigned, transferred, or devised, directly or indirectly.

(c) If an operator qualifies as a local resident for any part of an area designated in the solicitation for a specific visitor service, in matters related solely to that solicitation, the operator shall be treated as a local resident for the entire area covered by that solicitation.

(d) An offer from a preferred operator made in the form of a joint venture is considered valid, only if the offer documents to the satisfaction of the authorized officer, that the preferred operator holds the controlling interest in the joint venture.

(e) Nothing in this subpart shall prohibit the authorized officer from issuing special use authorizations to other applicants within the CSU so long as the requirements of § 251.123 are met.

(f) A preferred operator has no preference within a National Forest in Alaska beyond that authorized by section 1307 of the Act and by § 251.123 of this subpart.

(g) Local residents and ''most directly affected'' Native Corporations have equal priority for consideration in providing visitor services.

§ 251.126 Appeals.

Decisions related to the issuance of special use authorizations in response to written solicitations by the Forest Service or to the modification of special use authorizations to reflect historical use are subject to administrative appeal under subpart C of this part.

Dated: March 26, 1997.

David G. Unger,

Associate Chief.

[FR Doc. 97–10698 Filed 4–24–97; 8:45 am]

BILLING CODE 3410–11–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5817–7]

40 CFR Parts 64, 70, and 71

Compliance Assurance Monitoring

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Document Availability.

SUMMARY: On August 13, 1996, EPA published a notice of availability of a draft regulatory package on the Compliance Assurance Monitoring (CAM) rulemaking. In that notice, EPA stated that it would make regulatory impact analyses available for review and comment (61 FR 41991). On September 3, 1996, EPA published a correction notice stating that no regulatory impact analyses would be made public until the CAM rule is promulgated (61 FR 46418). EPA has reconsidered the release of regulatory impact analyses and decided to make public for comment its assessment of the impact of the CAM rule on small entities. Further, EPA has published the final revisions to parts 51, 52, 60, and 61 entitled the credible evidence rulemaking (62 FR 8314, February 24, 1997). The EPA has decided to accept comment on the relationship between the final credible evidence rule and the draft (August 2, 1996) CAM rule during the same comment period.

DATES: Comments must be submitted by May 27, 1997.

ADDRESSES: *Comments:* Written comments should be mailed to the docket (address provided above) and to Mr. Peter Westlin, U.S. EPA, Office of Air Quality Planning and Standards, MD–19, Research Triangle Park, NC 27711 (e-mail address: westlin.peter@epamail.epa.gov). All comments should be marked to the attention of Docket No. A–91–52.

Docket: Supporting information related to this impact analysis is contained in Docket No. A–91–52. This docket is available for public inspection and copying between 8:00 a.m. and 5:30 p.m. Monday through Friday, excluding government holidays, and is located at: EPA Air Docket (LE–131), Room M–1500, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460. A reasonable fee may be charged for copying. Pursuant to section 307(d)(1)(V) of the Clean Air Act, this rulemaking is subject to the docketing and other procedural provisions of section 307(d) of the Act.

Electronic Availability

A copy of the draft impact analysis documents, as well as the draft CAM rule, will also be available via the Emission Measurement Technical Information Center Computer Bulletin Board of the EPA's Technology Transfer Network (TTN) at (919) 541–5742 or via the Internet at ''www.epa.gov/oar/ttn__bbs.html'', 24 hours a day, 7 days a week (except Monday, 8–12 a.m. EST). A copy of the credible evidence rulemaking is available on the Clean Air Act Bulletin Board of the TTN under ''Recently Signed Rules''. Contact the system operator at (919) 541–5384 if you have any questions concerning access to the Technology Transfer Network.

FOR FURTHER INFORMATION CONTACT: Peter Westlin, Office of Air Quality Planning and Standards, (919) 541–1058.

SUPPLEMENTARY INFORMATION:

Comments: During the comment period, EPA will accept comments on the draft impact analysis and relationship to the applicability definitions in the draft CAM rule. EPA will also accept comments on the relationship between the draft CAM rule and the revisions implementing the credible evidence provisions. Comments on the latter issue should be limited to comments stemming from the specific language of the final credible evidence rule revisions or the preamble and should not include a recapitulation of comments already provided to EPA regarding CAM and the credible evidence revisions.

Dated: April 14, 1997.

John S. Seitz,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 97–10737 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 52

[CC Docket No. 95–155; FCC 97–123]

Toll Free Service Access Codes

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: On April 11, 1997, the Commission released a Further Notice of Proposed Rulemaking (*FNPRM*) addressing administration of the database for toll free numbers. The FNPRM is intended to obtain comment on the issue of what entity should administer the toll free database.

DATES: Comments must be filed on or before May 22, 1997, and reply comments must be filed on or before June 23, 1997.

ADDRESSES: Federal Communications Commission, 1919 M Street, N.W., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Erin Duffy, Attorney, Network Services Division, Common Carrier Bureau, (202) 418–2340.

SUPPLEMENTARY INFORMATION: This summarizes the Commission's Further Notice of Proposed Rulemaking in the matter of Toll Free Service Access Codes, FCC 97–123, adopted April 4, 1997, and released April 11, 1997. The Commission concurrently released a Second Report and Order in the same docket. The file is available for inspection and copying during the weekday hours of 9 a.m. to 4:30 p.m. in the Commission's Reference Center, room 239, 1919 M St., N.W., Washington D.C., or copies may be purchased from the Commission's duplicating contractor, ITS, Inc. 2100 M St., N.W., Suite 140, Washington, D.C. 20037, phone (202) 857–3800.

Analysis of Proceeding

1. The *FNPRM* asks for comment on what further action the Telecommunications Act of 1996 (1996 Act) requires that the Commission take to ensure that there is an impartial number administrator for toll free administration. The Commission seeks comment on what role, if any, the North American Numbering Council (NANC) should have in determining what entity should assume the responsibility of toll free database administration. The Commission seeks comment on whether the toll free database administrator should be the same entity that ultimately is chosen as the NANP administrator or the number portability administrator, or whether another administrator should be chosen strictly for the toll free database.

2. The Commission seeks comment on what effect the selection of a new administrator for the toll free database would have on the Commission's prior conclusion that, under the Regional Bell Operating Companies' plans for providing SMS access, such SMS access is a Title II common carrier service and must be provided under tariff. Specifically, the Commission seeks comment on whether access to the database should still be provided pursuant to tariff if there is ultimately a new administrator of the database and if so, what party or entity should file the tariff.

3. The Commission seeks comment on how, if a new toll free number administrator is chosen, that administrator will obtain access to the information currently found in the toll free database and how that administrator will obtain access to the necessary software, equipment, and other items essential to administration of the toll free database. The Commission seeks comment on how the transition to a new administrator could be accomplished without disruption in toll free service. The Commission seeks comment on the Commission's authority to impose a requirement that the RBOCs and Bellcore license to any third party administrator the software that is required to continue operation of the SMS and the Number Administration Service Center, and seeks comment on how the Commission should use such authority.

4. The Commission seeks comment on several other issues. Specifically, the Commission seeks comment on whether: (1) DSMI, as the SMS administrator, should report to the Commission; (2) any services that DSMI subcontracts must be subcontracted to an entity neutral and apart from the industry; (3) the selection of an administrator should be by competitive bidding; (4) costs for toll free number administration should be reimbursed through fees to the industry; and (5) the new administrator should be responsible for network planning of future toll free codes. The Commission seeks comment on, if DSMI is to report to the Commission, what information it should include in reports. The Commission seeks comment on what specific costs should be reimbursed through fees to the industry, and what specific members of the industry should be required to bear the costs of toll free number administration. The Commission seeks comment on whether it should direct DSMI to withhold access to, and treat as proprietary, competitively sensitive information, such as information on vanity numbers and RespOrg replication lists.

5. It is further ordered, pursuant to Sections 1, 4(i), 201–205, 218, and 251 of the Communications Act, as amended, 47 U.S.C. Sections 151, 154(i), 201–205, 218, and 251, that the Further Notice of Proposed Rulemaking is hereby adopted.

List of Subjects

47 CFR Part 52

Local exchange carrier, Numbering, Telecommunications.

47 CFR Part 64

Communications common carriers, Telephone.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 97–10489 Filed 4–24–97; 8:45 am]

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Notices

Federal Register

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 27, 1997.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Cover, Helmet, Arctic White
8415–00–NIB–0068
(Requirements for the U.S. Army Soldier Systems Command, Natick, Massachusetts)
NPA: Lions Volunteer Blind Industries, Inc., Morristown, Tennessee

Service

Janitorial/Custodial
Federal Building, U.S. Post Office & Courthouse
Moscow, Idaho
NPA: Opportunities Unlimited, Inc., Lewiston, Idaho

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–10739 Filed 4–24–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 27, 1997.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On February 7, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (62 FR 5797) of proposed addition to the Procurement List. Comments were received from the current contractor for this insignia. The contractor indicated that losing the insignia would have a very adverse impact on the business. The contractor also questioned the ability of blind people to safely operate the Schiffli embroidery machinery which creates the insignia.

The nonprofit agency intends to purchase Schiffli embroidered insignias in bulk and finish and package them. As it will not be operating Schiffli machines, the contractor's safety concerns will not apply to the nonprofit agency's operations.

The insignia contract represents a small percentage of the contractor's sales, and the Committee has directed the nonprofit agency to solicit a quotation for bulk embroidered insignias from the contractor. Consequently, the Committee has concluded that impact on the contractor will not be severe, and will be mitigated even further if the nonprofit agency buys its bulk insignias from the contractor.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and impact of the addition on the current or most recent contractors, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 USC 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small

entities other than the small organizations that will furnish the commodity to the Government.

2. The action will not have a severe economic impact on current contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 USC 46–48c) in connection with the commodity proposed for addition to the Procurement List.

Accordingly, the following commodity is hereby added to the Procurement List:

Insignia, Embroidered, Tab, Shoulder Sleeve, Army
8455–00–121–1315

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 97–10740 Filed 4–24–97; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the procurement list.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 27, 1997

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On January 31, February 7, 28 and March 7, 1997, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (62 FR 4722, 5797, 9158 and 10519) of proposed additions to the Procurement List.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are hereby added to the Procurement List:

Commodities

Office and Miscellaneous Supplies
(Requirements for Brooks Air Force Base, Texas)
Floor Care Products
7930–01–380–8447
7930–01–380–8387
7930–01–380–8469
7930–01–380–8381
7930–01–380–8365
7930–01–436–7991
7930–01–436–8039

Link, Hasp and Strap Assembly
9905–00–NIB–0001 (orange)
9905–00–NIB–0014 (yellow)
(Requirements for the U.S. Postal Service)

Services

Janitorial/Custodial, Buildings 2186, 5115 and 5324, Fort Campbell, Kentucky

Mail and Messenger Service, Naval Facilities Engineering Command, Southern Division, Charleston, South Carolina

Mailroom Operation, U.S. Customs Indianapolis Center, 6026 Lakeside Boulevard, Indianapolis, Indiana.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Beverly L. Milkman.

Executive Director.

[FR Doc. 97–10741 Filed 4–24–97; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 970321061–7061–01; I.D. 042297B]

RIN: 0648–ZA28

Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of availability of funds.

SUMMARY: A total of $540,000 in Fiscal Year (FY) 1997 funds is available through the NOAA/NMFS Chesapeake Bay Office to assist interested state fishery agencies, academic institutions, and other nonprofit organizations relating to cooperative research units, in carrying out research projects to provide information for Chesapeake Bay Stock Assessments through cooperative agreements. About $240,000 of the base amount is available to initiate new projects in FY 1997, as described in this announcement. NMFS issues this document describing the conditions under which eligible applications will be accepted and how NMFS will determine which applications will be selected for funding.

DATES: Applications for funding under this program will be accepted until 6 p.m. eastern standard time on May 27, 1997. Applications received after that time will not be considered for funding. No applications will be accepted by facsimile machine submission.

Successful applicants generally will be selected approximately 90 days from the date of publication in the **Federal Register** of this document. The earliest date for awards will be approximately 180 days after the date of publication in the **Federal Register** of this document.

ADDRESSES: Send applications to: M. Elizabeth Gillelan, Division Chief, NOAA Chesapeake Bay Office, NMFS, 410 Severn Avenue, Suite 107A, Annapolis, MD 21403.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Gillelan, 410/267–5660.

SUPPLEMENTARY INFORMATION:

I. Introduction.

A. *Authority*. The Fish and Wildlife Act of 1956, as amended, at 16 U.S.C. 753 (a), authorizes the Secretary of Commerce (Secretary), for the purpose of developing adequate, coordinated, cooperative research and training programs for fish and wildlife resources, to continue to enter into cooperative agreements with colleges and universities, with game and fish departments of the several states, and with non-profit organizations relating to cooperative research units. The Departments of Commerce (DOC), Justice, State, the Judiciary, and Related Agencies Appropriations Act of 1997 makes funds available to the Secretary (Public Law 104–208).

B. *Catalog of Federal assistance*. The research to be funded is in support of the Chesapeake Bay Studies (CFDA 11.457), under the Chesapeake Bay Stock Assessment Committee (CBSAC).

C. *Program Description*. CBSAC was established in 1985 to plan and review Bay-wide resource assessments, coordinate relevant actions of state and Federal agencies, report on fisheries status and trends, and determine, fund and review research projects. The program implements a Bay-wide plan for the assessment of commercially, recreationally, and selected ecologically important species in the Chesapeake Bay. In 1988, CBSAC developed a Bay-wide Stock Assessment Plan, in response to provisions in the Chesapeake Bay Agreement of 1987. The plan identified that key obstacles to assessing Bay stocks was the lack of consistent, Bay-wide, fishery-dependent and fishery-independent data. Research projects funded since 1988 have focused on developing and improving fishery-independent surveys and catch statistics for key Bay species, such as striped bass, oysters, blue crabs and alosids. Stock assessment research is essential, given the recent declines in harvest and apparent stock condition for many of the important species of the Chesapeake Bay.

II. Areas of Special Emphasis

A. Proposals should exhibit familiarity with related work that is completed or ongoing. Where appropriate, proposals should be multidisciplinary. Coordinated efforts involving multiple eligible applicants or persons are encouraged. Eligible women and minority owned and operated non-profit organizations are encouraged to apply.

Consideration for funding will be given to applications that address one or more of the following stock assessment research and management priorities for the Chesapeake Bay. Proposals in other areas will be considered on a funds-available basis.

1. Design and development of a method to age blue crabs in Chesapeake Bay using lipofuscin. Last year, a feasibility study was funded to evaluate whether metabolic products called lipofuscin are useful to estimate age and growth of blue crabs. It is understood that the chemical characteristics of lipofuscin and their accumulation rates over time are a function of tissue and metabolic rate. The priority this year is to further study lipofuscin accumulation rate dynamics temporally and spatially, and to test the use of lipofuscin data in blue crab growth models. At a minimum, proposals should define how the measurement of lipofuscin can be used in growth models that incorporate size, sex, salinity, and temperature to enable age determination.

2. Development of a design for a Bay-wide recreational survey, directed primarily at blue crabs, but including other recreationally-harvested species where opportunities arise. A major impediment to understanding the status of the blue crab fishery resource in the Chesapeake Bay is the lack of knowledge of the total removals of blue crabs by recreational crabbing. While estimates of commercial catches from both Maryland and Virginia are available based on state reporting requirements, estimates of recreational blue crab harvest are not available for most years.

This study should provide not only estimates of harvest and associated effort but also biological sample data on size, sex, and length distribution of the recreational harvest of blue crabs. This could be designed as a stand-alone survey or as a supplement to the NMFS' Marine Recreational Fisheries Statistics Survey.

3. Design and implementation of a Bay-wide blue crab tagging study, integrated with the aforementioned recreational survey. This study should be designed to produce additional age data, growth rates, migration rates, population rates, terminal molt estimates, commercial fishing mortality estimates, recreational fishing mortality estimates and natural mortality estimates.

4. Design and development of a hard clam stock assessment which would provide abundance and mortality estimates for the entire Chesapeake Bay stock. The hard clam has become a valuable economic species in Chesapeake Bay with little associated assessment data. This study will integrate and compile fisheries harvest data and provide estimates of abundance and mortality rates.

B. Applications addressing the priorities should build upon, or take into account, any related past or current work.

III. How to Apply

A. *Eligible applicants*. Applications for cooperative agreements under the Chesapeake Bay Studies Program may be submitted, in accordance with the procedures set out in this document, by any state game and fish department, college or university, or other nonprofit organizations relating to cooperative research units. Other Federal agencies or institutions are not eligible to receive Federal assistance under this document.

DOC/NOAA/NMFS employees, including full-time, part-time and intermittent personnel are not eligible to submit an application under this solicitation or aid in the preparation of an application, except to provide information on program goals, funding priorities, application procedures, and completion of application forms. Since this is a competitive program, assistance will not be provided in conceptualizing, developing, or structuring proposals.

Eligible applicants outside the Chesapeake Bay region may submit proposals, as long as their objectives support the technical and management priorities of the Chesapeake Bay, as defined in section II.A. above. All solicited proposals received by the closing date will be considered by NMFS.

B. *Duration and terms of funding.* Under this solicitation, NMFS will fund Chesapeake Bay Stock Assessment Research Projects for 1 year cooperative agreements. The cooperative agreement has been determined as the appropriate funding instrument because of the substantial involvement of NMFS in:

1. Developing program research priorities;

2. Evaluating the performance of the program for effectiveness in meeting regional goals for Chesapeake Bay stock assessments;

3. Monitoring the progress of each funded project;

4. Holding periodic workshops with investigators; and

5. Working with recipients in preparation of annual reports summarizing current accomplishments of the Chesapeake Bay Stock Assessment Committee. Project dates should be scheduled to begin no later than 1 October 1997. Cooperative agreements are approved on an annual basis but may be considered eligible for continuation beyond the first project

and budget period subject to the approved scope of work, satisfactory progress, and availability of funds at the total discretion of NMFS. However, there are no assurances for such continuation. Publication of this document does not obligate NMFS to award any specific cooperative agreement or to obligate any part of the entire amount of funds available.

C. *Cost-Sharing requirements.* Applications must reflect the total budget necessary to accomplish the project, including contributions and/or donations. Cost-sharing is not required under the Chesapeake Bay Stock Assessment Research Program. However, cost sharing is encouraged to enhance the value of a project, and in case of a tie in considering proposals for funding, cost-sharing may affect the final decision. The appropriateness of all cost-sharing will be determined on the basis of guidance provided in applicable Office of Management and Budget (OMB) Federal cost principles. If an applicant chooses to share cost, and if that application is selected for funding, the applicants will be bound by the percentage of cost-sharing reflected in the award documents.

The non-Federal share may include funds received from private sources or from state or local governments or the value of in-kind contributions. Federal funds may not be used to meet the non-Federal share of matching funds, except as provided by Federal statute. In-kind contributions may be in the form of, but are not limited to, personal services rendered in carrying out functions related to the project, and permission to use real or personal property owned by others (for which consideration is not required) in carrying out the project. To support the budget, the applicant must describe briefly the basis for estimating the value of the non-Federal funds derived from in-kind contributions.

The total cost of a project begins on the effective date of a cooperative agreement between the applicant and an authorized representative of the U.S. Government and ends on the date specified in the award. Accordingly, the time expended and costs incurred in either the development of a project or the financial assistance application, or in any subsequent discussions or negotiations prior to the award, are neither reimbursable nor recognizable as part of the recipient's cost share.

D. *Format.* 1. Applications for project funding must be complete. Applicants must identify the specific research priority or priorities to which they are responding. For applications containing more than one project, each project component must be identified individually using the format specified in this section. If an application is not in response to a priority, it should be so stated. Applicants should not assume prior knowledge on the part of NMFS as to the relative merits of the project described in the application. Applications are not to be bound in any manner and should be one-sided. All incomplete applications will be returned to the applicant. Applicants must submit one signed original and two copies of the complete application. Required forms are provided in a NOAA Application Kit which applicants may obtain from the NOAA Grants Management Division or the NOAA Chesapeake Bay Office (see **ADDRESSES**).

2. Applications must be submitted in the following format:

a. *Cover sheet*: An applicant must use OMB Standard Form 424 (revised 4/92) as the cover sheet for each project. Applicants may obtain copies of these forms from the NOAA Grants Management Division or the NOAA Chesapeake Bay Office (see **ADDRESSES**).

b. *Project summary*: Each proposal must contain a summary of not more than one page that provides the following:

(1) Project title.

(2) Project status (new).

(3) Project duration (beginning and ending dates).

(4) Name, address, and telephone number of applicant.

(5) Principal Investigator(s).

(6) Project objectives.

(7) Summary of work to be performed.

(8) Total Federal funds requested.

(9) Cost-sharing to be provided from non-Federal sources, if any. Specify whether contributions are project-related cash or in-kind.

(10) Total project cost.

c. *Project description*: Each project must be completely and accurately described. Each project description may be up to 15 pages in length. If an application is awarded, NMFS will make all portions of the project description available to the public for review; therefore, NMFS cannot guarantee the confidentiality of any information submitted as part of any project, nor will NMFS accept for consideration any project requesting confidentiality of any part of the project.

Each project must be described as follows:

(1) *Identification of problem(s)*: Describe the specific priority/problem to be addressed (see section II above).

(2) *Project objectives*: This is one of the most important parts of the Project Proposal. Use the following guidelines for stating the objective of the project.

(a) Keep it simple and easily understandable.

(b) Be as specific and quantitative as possible.

(c) Specify the ''what and when;'' avoid the ''how and why.''

(d) Keep it attainable within the time, money, and human resources available.

(e) Use action verbs that are accomplishment oriented.

(3) *Need for Government financial assistance*: Demonstrate the need for assistance. Any appropriate database to substantiate or reinforce the need for the project should be included. Explain why other funding sources cannot fund all the proposed work. List all other sources of funding that are or have been sought for the project.

(4) *Benefits or results expected*: Identify and document the results or benefits to be derived from the proposed activities.

(5) *Project statement of work*: The Statement of Work is the scientific or technical action plan of activities that are to be accomplished during each budget period of the project. This description must include the specific methodologies, by project job activity, proposed for accomplishing the proposal's objective(s). If the work described in this section does not contain sufficient detail to allow for proper technical evaluation, NMFS will not consider the application for funding and will return it to the applicant.

Investigators submitting proposals in response to this announcement are strongly encouraged to develop inter-institutional, inter-disciplinary research teams in the form of single, integrated proposals or as individual proposals that are clearly linked together. Such collaborative efforts will be factored into the final funding decision by the Chief of the NOAA/NMFS Chesapeake Bay Office.

Each Statement of Work must include the following information:

(a) The applicant's name.

(b) The inclusive dates of the budget period covered under the Statement of Work.

(c) The title of the proposal.

(d) The scientific or technical objectives and procedures that are to be accomplished during the budget period. Devise a detailed set of objectives and procedures to answer who, what, how, when, and where. The procedures must be of sufficient detail to enable competent workers to be able to follow them and to complete scheduled activities.

(e) Location of the work.

(f) A list of all project personnel and their responsibilities.

(g) A milestone table, labeled with Month I, Month II, Month III, etc, that summarizes the procedures (from item

III.D.c(5)(d)) that are to be attained in each month covered by the Statement of Work.

(6) *Participation by persons or groups other than the applicant*: Describe the level of participation required in the project(s) by NOAA or other government and non-government entities. Specific NOAA employees should not be named in the initial proposal.

(7) *Federal, state and local government activities*: List any programs (Federal, state, or local government or activities, including Sea Grant, state Coastal Zone Management Programs, NOAA Oyster Disease Research Program, the state/Federal Chesapeake Bay Program, etc.) this project would affect and describe the relationship between the project and those plans or activities.

(8) *Project management*: Describe how the project will be organized and managed. Include resumes of principal investigators. List all persons directly employed by the applicant who will be involved with the project. If a consultant and/or subcontractor is selected prior to application submission, include the name and qualifications of the consultant and/or subcontractor and the process used for selection.

(9) *Monitoring of project performance*: Identify who will participate in monitoring the project.

(10) *Project impacts*: Describe how these products or services will be made available to the fisheries and management communities.

(11) *Evaluation of project*: The applicant is required to provide an evaluation of project accomplishments at the end of each budget period and in the final report. The application must describe the methodology or procedures to be followed to determine technical feasibility, or to quantify the results of the project in promoting increased production, product quality and safety, management effectiveness, or other measurable factors.

(12) *Total project costs*: Total project costs is the amount of funds required to accomplish what is proposed in the Statement of Work, and includes contributions and donations. All costs must be shown in a detailed budget. A standard budget form (SF–424A) is available from the offices listed (see **ADDRESSES**). NMFS will not consider fees or profits as allowable costs for grantees. Additional cost detail may be required prior to a final analysis of overall cost allowability, allocability, and reasonableness. The date, period covered, and findings for the most recent financial audit performed, as well as the name of the audit firm, the contact person, and phone number and address, must be also provided.

d. *Supporting documentation*: Provide any required documents and any additional information necessary or useful to the description of the project. The amount of information given in this section will depend on the type of project proposed, but should be no more than 20 pages. The applicant should present any information that would emphasize the value of the project in terms of the significance of the problems addressed. Without such information, the merits of the project may not be fully understood, or the value of the project may be underestimated. The absence of adequate supporting documentation may cause reviewers to question assertions made in describing the project and may result in lower ranking of the project. Information presented in this section should be clearly referenced in the project description.

IV. Review Process and Criteria

A. *Initial Evaluation of Applications*. Applications will be reviewed by NOAA to assure that they meet all requirements of this announcement, including eligibility and relevance to the Chesapeake Bay Stock Assessment Research Program.

B. *Consultation with Experts in the Field of Stock Assessment Research*. For applications meeting the requirements of this solicitation, NMFS will conduct a technical evaluation of each project prior to any other review. This review normally will involve experts from non-NOAA as well as NOAA organizations. All comments submitted to NMFS will be taken into consideration in the technical evaluation of projects. Each reviewer will be asked to rate and provide comments based on the following evaluation criteria:

1. Problem description and conceptual approach for resolution, especially the applicant's comprehension of the problem(s), familiarity with related work that is completed or ongoing, and the overall concept proposed to resolve the problem(s) (30 points).

2. Soundness of project design/ technical approach, especially whether the applicant provided sufficient information to technically evaluate the project and, if so, the strengths and weaknesses of the technical design proposed for problem resolution (35 points).

3. Project management and experience and qualifications of personnel, including organization and management of the project, and the personnel experience and qualifications (15 points).

4. Justification and allocation of the budget in terms of the work to be performed (20 points).

C. *Review panel*. NMFS will convene a review panel consisting of at least three regionally recognized experts in the scientific and management aspects of stock assessment research who will conduct reviews as follows:

1. Evaluate technical reviews.

2. Provide independent review based on the same criteria as the technical review.

3. Discuss all review comments as a panel.

4. Provide individual panelist scores and suggestions for modifications (i.e., budget, personnel, technical approach, etc.).

D. *Funding decision*. 1. Applications will be ranked by NMFS into two groups: (a) Recommended, and (b) not recommended. As previously stated (section III.A.1.), collaborative proposals and applications which proposed a cost share are strongly encouraged, and therefore will be given added weight in the selection process. The numeric ranking by the review panel will be the major consideration for deciding which of the ''recommended'' proposals will be selected for funding.

2. After projects have been ranked for funding, the Chief of the NOAA/NMFS Chesapeake Bay Office, in consultation with the Assistant Administrator for Fisheries, NOAA, will determine the projects to be recommended for funding based upon the technical evaluations, panel review, numerical ranking and availability of funding. The Chief may also give greater consideration to those projects that best meet the objectives of the program. The exact amount of funds awarded to each project will be determined in preaward negotiations between the applicant, the Grants Office, and the NOAA/NMFS Chesapeake Bay Office staff.

V. Administrative Requirements

A. *Obligations of the applicant*. 1. *Deliverables*—In addition to quarterly status and budget reports, and at the time of submission of the final report of results of funded projects, recipients must submit a four-to-five page summary of project work and results that will be compiled in a report of Chesapeake Bay Stock Assessment Research Program results.

2. *Periodic Workshops*-Investigators will be expected to attend one or two workshops with other Stock Assessment Research Program researchers to encourage interdisciplinary dialogue and forge synthesis of results.

3. *Primary applicant certifications*—All primary applicants must submit a completed Form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations are hereby provided:

a. *Nonprocurement debarment and suspension*—Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form prescribed above applies;

b. *Drug-free workplace*—Grantees (as defined at 15 CFR part 26.605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed above applies;

c. *Anti-lobbying*—Persons (as defined at 15 CFR 28.105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

d. *Anti-lobbying disclosure*—Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, appendix B.

4. *Lower Tier Certifications*—Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form SF-LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF-LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with the instructions contained in the award document. B. *Other requirements.* 1. *Federal policies and procedures*—Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.

2. *Indirect cost rates*—The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency. NOAA's acceptance of negotiated rates is subject to total indirect costs not to exceed 100 percent of total direct costs. This language is pursuant to the NOAA Grants and Cooperative Agreements Policy Manual, Chapter 3(B)(2).

3. *Past performance*-Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding. In addition, any recipient and/or researcher who is past due for submitting acceptable progress reports on any previous project funded under this program may be ineligible to be considered for new awards until the delinquent reports are received, reviewed and deemed acceptable by NMFS.

4. *Financial management certifications/preaward accounting survey*—Successful applicants, at the discretion of the NOAA Grants Officer, may be required to have their financial management systems certified by an independent public accountant as being in compliance with Federal standards specified in the applicable OMB Circulars prior to execution of the award. Any first-time applicant for Federal grant funds may be subject to a preaward accounting survey by the DOC prior to execution of the award.

5. *Delinquent Federal debts*-No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

a. The delinquent account is paid in full;

b. A negotiated repayment schedule is established and at least one payment is received; or

c. Other arrangements satisfactory to DOC are made.

6. *Name checks*-Potential recipients may be required to submit an ''Identification-Application for Funding Assistance''

(Form CD–346), which is used to ascertain background information on key individuals associated with the potential recipient. All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the applicant's management honesty or financial integrity. Applicants will also be subject to credit check reviews.

7. *False statements*—A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

8. *Preaward activities*—If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover preaward costs.

9. *Purchase of American-made equipment and products*—Applicants are hereby notified that they will be encouraged, to the greatest extent practible, to purchase American-made equipment and products with funding provided under this program.

10. *Other*—If an application is selected for funding, DOC has no obligation to provide any additional funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of DOC.

Cooperative agreements awarded pursuant to pertinent statutes shall be in accordance with the Fisheries Research Plan (comprehensive program of fisheries research) in effect on the date of the award.

Classification

This action has been determined to be ''not significant'' for purposes of E.O. 12866.

Applications under this program are subject to E.O. 12372, ''Intergovernmental Review of Federal Programs.''

Prior document and an opportunity for public comment are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number.

This document contains collections of information subject to the Paperwork Reduction Act, which have been approved by OMB under OMB control numbers 0348–0043 and 0605–0001.

Dated: April 21, 1997.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 97–10770 Filed 4–24–97; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042197F]

Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of solicitation of interest.

SUMMARY: NMFS is soliciting participation by surf clam and ocean quahog industry members in a study to calibrate the surf clam dredge employed by the NOAA R/V DELAWARE II to conduct surf clam and ocean quahog abundance surveys. The study will involve the use of three surf clam dredge vessels working in conjunction with the R/V DELAWARE II on or about May 12–23, 1997, in a circumscribed area off Northern New Jersey.

DATES: Prospective participants must apply by telephone to Dr. Steven Murawski on or before May 2, 1997 (see below).

FOR FURTHER INFORMATION CONTACT: Dr. Steve Murawski, Chief, Population Dynamics Branch, Northeast Fisheries Science Center, (508) 495–2303.

SUPPLEMENTARY INFORMATION: The NMFS Northeast Fisheries Science Center (NEFSC) last conducted a research vessel survey of the surf clam and ocean quahog resource in 1994. The catch of surf clams and ocean quahogs during the 1994 survey greatly exceeded the amounts caught in prior surveys. These results proved inexplicable as an examination of the various aspects and components of the survey dredging operation identified no apparent discrepancies between the 1994 survey methodology and that of previous surveys. Developing a methodology to explain these results has been a high research priority of the Invertebrate Subcommittee (Subcommittee) of the Northeast Regional Stock Assessment Review Committee. Many industry members are also anxious to have an explanation of the 1994 survey results, since these results could have implications for the level of the quotas that are set each year.

One of the Subcommittee members, Dr. Eric Powell, Rutgers University, presented three research proposals to the Mid-Atlantic Fishery Management Council (Council) at its April 1997 meeting. The Council supported a dredge calibration study as its top priority. Since then, some industry members have offered the use of their vessels to aid the NEFSC with the research survey. The information collected will be a first step in attempting to explain the 1994 survey results. NMFS wishes to take advantage of the industry's offer of assistance and is requesting expressions of interest from industry members to participate in a dredge calibration study to take place on or about May 12–23, 1997. Three commercial surf clam dredge vessels are needed for the study.

The study will occur at three sites within a circumscribed area off Northern New Jersey where clam dredging will take place. The R/V DELAWARE II will make initial tows at each site and mark the study locations with buoys and differential Global Positioning System. The commercial vessels selected for the study will then commence fishing, one vessel at each site, to re-sample the study area initially sampled by DELAWARE II. The vessels will conduct fairly normal dredging operations within the sites. The participants must carry a scientific observer for the day(s) on which they participate in the study. Each tow must be conducted at a specified speed and for a specified distance. NMFS personnel will designate the starting point for each tow. The industry participants must be willing to continue fishing the sites until the NMFS observer determines that a statistically significant decline in catch per tow has occurred. This will require making multiple passes over the entire experimental area at each site. For each tow, the observer will estimate the total volume of surf clams caught and, prior to their deposit in cages will collect a subsample of the catch to measure length for estimating age frequency composition. Measurements by the observer will be recorded in the vessel's logbook in place of the normal estimates recorded by the vessel operator. Industry members will tag these cages as required by the regulations. Any amounts of surf clams that will not be retained must be discarded outside the experimental area.

To apply, applicants must telephone Dr. Steve Murawski at (508) 495–2303 on or before May 2, 1997. Vessels will be selected based on their suitability for the study. Preference will be given to single dredge vessels, as double dredge vessels unnecessarily complicate the calibration process. The size and configuration of the vessel will also be considered in selecting the participating vessels. Preference will be given to those vessels whose size and configuration allow the observer to function without impeding the normal fishing operation of the vessel. NEFSC will select the vessels to participate and notify all of the prospective participants of the selections.

Dated: April 22, 1997.

Gary C. Matlock,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 97–10769 Filed 4–24–97; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Applications of the Chicago Board of Trade for Designation as a Contract Market in Futures and Options on Medium Term Inflation Index U.S. Treasury Notes and Inflation Index U.S. Treasury Bonds

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures and option contracts.

SUMMARY: The Chicago Board of Trade (CBT or Exchange) has applied for designation as a contract market in futures and options on medium term inflation index U.S. Treasury notes and inflation index U.S. Treasury bonds. The Acting Director of the Division of Economic Analysis (Division) of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purpose of the Commodity Exchange Act.

DATES: Comments must be received on or before May 12, 1997.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW. Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov. Reference should be made to the CBT futures and options on medium term inflation index U.S.

Treasury notes and inflation index U.S. Treasury bonds.

FOR FURTHER INFORMATION CONTACT: Please contact Stephen Sherrod of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581, telephone (202) 418–5277. Facsimile number: (202) 418–5527. Electronic mail: ssherrod@cftc.gov

SUPPLEMENTARY INFORMATION: The contracts were submitted pursuant to the Commission's new Fast Track procedures for streamlining the review of applications for contract market designation (62 FR 10434). Under those procedures, the contracts, absent any contrary action by the Commission, may be deemed approved on June 2, 1997, 45 days after receipt of the applications. In view of the limited review period provided under the Fast Track procedures, the Commission has determined to publish for public comment notice of the availability of the terms and conditions for 15 days, rather than 30 days as provided for applications submitted under the regular review procedures.

Copies of the terms and conditions will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address, by phone at (202) 418–5100, or via the internet on the CFTC website at www.cftc.gov under ''What's Pending''.

Other materials submitted by the CBT in support of the applications for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9.

Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed terms and conditions, or with respect to other materials submitted by the CBT, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 21st Street NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on April 21, 1997.

John Mielke,

Acting Director.

[FR Doc. 97–10710 Filed 4–24–97; 8:45 am]

BILLING CODE 6351–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 97–C0005]

STK International, Inc., a Corporation; Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Provisional acceptance of a settlement agreement under the Consumer Product Safety Act.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e)–(h). Published below is a provisionally-accepted Settlement Agreement with STK International, Inc., a corporation.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by May 10, 1997.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 97–C0005, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Dennis C. Kacoyanis, Trial Attorney, Office of Compliance and Enforcement, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0626.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: April 21, 1997.

Sadye E. Dunn,

Secretary.

In the Matter of: STK International, Inc., a corporation. CPSC Docket No. 97–C0005.

Settlement Agreement and Order

1. STK International, Inc. (hereinafter, ''STK''), a corporation, enters into this Settlement Agreement (hereinafter, ''Agreement'') with the staff of the Consumer Product Safety Commission, and agrees to the entry of the Order incorporated herein. The purpose of this Agreement and Order is to settle the staff's allegations that STK knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, certain banned hazardous toys and certain misbranded hazardous art material products, in violation of sections 4 (a) and (c) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1263 (a) and (c).

I. The Parties

2. The ''staff'' is the staff of the Consumer Product Safety Commission, an independent regulatory commission of the United States established pursuant to section 4 of the Consumer Product Safety Act (CPSA), 15 U.S.C. 2053.

3. Since 1985, STK has been a corporation organized and existing under the laws of the State of California. Its principal corporate offices are located at 2602 East 37th Street, Vernon, CA 90058. STK is engaged in the import, export, and distribution of general merchandise. Approximately 15% of STK's sales are in toys and art materials.

II. Allegations of the Staff

A. Toys With Small Parts

4. On eight occasions between May 5, 1994, and April 25, 1996, STK introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, eight kinds of toys (88,010 units) intended for use by children under three years of age. These toys are identified and described as follows:

Sample No.	Product	Collect date,* entry date	Expt./mfg.	Quantity
S–867–8257, S–867–8279, S–867–8280	Butterfly Walking Toy	05/05/94	Hughway	10,512
S–867–8388	Plastic Toy	06/14/94	Hughway	9,504
S–867–8343	Wind Up Ducks	06/16/94	Hughway	14,400

Sample No.	Product	Collect date,* entry date	Expt./mfg.	Quantity
T–800–3800	Press & Go Cho Cho Train	*11/07/94	Unknown	144
96–860–5035	Wind Up Helicopter	09/21/95	Hughway	2,888
96–800–1100	Toy Truck	*11/20/95	Unknown	72
96–860–5413	Wind Up Tricycle	02/08/96	Hughway	10,800
96–860–5865	My Alphabet Toy	04/25/96	Gowin	39,690

5. The toys identified in paragraph 4 above are subject to, but failed to comply with, the Commission's Small Parts Regulation, 16 CFR Part 1501, in that when tested under the ''use and abuse'' test methods specified in 16 CFR 1500.51 and 1500.52, (a) one or more parts of each tested toy separated and (b) one or more of the separated parts from each of the toys fit completely within the small parts test cylinder, as set forth in 16 CFR 1501.4.

6. Because the separated parts fit completely within the test cylinder as described in paragraph 5 above, each of the toys identified in paragraph 4 above presents a ''mechanical hazard'' within the meaning of section 2(s) of the FHSA, 15 U.S.C. 1261(s) (choking, aspiration, and/or ingestion of small parts).

7. Each of the toys identified in paragraph 4 above is a ''hazardous substance'' pursuant to section 2(f)(1)(D) of the FHSA, 15 U.S.C. 1261(f)(1)(D).

8. Each of the toys identified in paragraph 4 above is a ''banned hazardous substance'' pursuant to section 2(q)(1)(A) of the FHSA, 15 U.S.C. 1261(q)(1)(A) and 16 CFR 1500.18(a)(9) because it is intended for use by children under three years of age and bears or contains a hazardous substance as described in paragraph 7 above; and because it presents a mechanical hazard as described in paragraph 6 above.

9. STK knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the aforesaid banned hazardous toys, identified in paragraph 4 above, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c), for which a civil penalty may be imposed pursuant to section 5(c)(1) of the FHSA, 15 U.S.C. 1264(c)(1).

B. Art Material

10. On one occasion in 1993, STK introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, one type of art material (8,640). This art material product is identified and described as follows:

Sample No.	Product	Entry date	Expt./mfg.	Quantity
R–867–8618	4 Piece Paint Set	09/02/93	Gown	8,640

11. The art material product identified in paragraph 10 is subject to, but failed to comply with the requirements of the Labeling of Art Materials Act in that (a) STK did not submit this art material product for review by a toxicologist as required by section 23(a) of the FHSA, 15 U.S.C. 1277(a) and 16 CFR 1500.14(b)(8)(C)(1); and (b) this art material product did not bear the statement of conformance with ASTM D–4236, as required by section 23(a) of the FHSA, 15 U.S.C. 1500.14(b)(8)(C)(7).

12. The art material product identified in paragraph 10 above is a ''misbranded'' hazardous substance'' pursuant to section 3(b) of the FHSA, 15 U.S.C. 1262(b) and 16 CFR 1500.14(b)(8)(C) (1) and (7).

13. STK knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the aforesaid misbranded hazardous art material product identified in paragraph 10 above, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1263 (a) and (c), for which a civil penalty may be imposed pursuant to section 5(c)(1) of the FHSA, 15 U.S.C. 1264(c)(1).

III. Response of STK

14. STK denies the allegations of the staff set forth in paragraphs 4 through 13 above that it knowingly introduced or caused the introduction into interstate commerce; and received in interstate commerce and delivered or proffered delivery thereof for pay or otherwise, the banned hazardous toys and misbranded hazardous art material, identified in paragraphs 4 an 10 above, in violation of sections 4 (a) and (c) of the FHSA, 15 U.S.C. 1262 (a) and (c).

IV. Agreement of the Parties

15. The Consumer Product Safety Commission has jurisdiction over STK and the subject matter of this Settlement Agreement and Order under the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.*, and the Federal Hazardous Substances Act, 15 U.S.C. 1261 *et seq.*

16. Upon final acceptance by the Commission of this Settlement Agreement and Order, the Commission shall issue the attached Order incorporated herein by reference.

17. The Commission does not make any determination that STK violated the FHSA. The Commission and STK agree that this Agreement is entered into for the purposes of settlement only.

18. Upon final acceptance of this Settlement Agreement by the Commission and issuance of the Final Order, STK knowingly, voluntarily, and completely waives any rights it may have in this matter (1) to an administrative or judicial hearing, (2) to judicial review or other challenge or contest of the validity of the Commission's actions; (3) to a determination by the Commission as to whether STK failed to comply with the FHSA as aforesaid, (4) to a statement of findings of fact and conclusions of law, and (5) to any claims under the Equal Access to Justice Act.

19. For purposes of section 6(b) of the FHSA, 15 U.S.C. 2055(b), this matter shall be treated as if a complaint had issued; and the Commission may publicize the terms of the Settlement Agreement and Order.

20. Upon provisional acceptance of this Settlement Agreement and Order by the Commission, this Settlement Agreement and Order shall be placed on the public record and shall be published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e)–(h). If the Commission does not receive any written request not to accept the Settlement Agreement and

Order within 15 days, the Settlement Agreement and Order will be deemed to be finally accepted on the 16th day after the date it is published in the **Federal Register**.

21. The parties further agree that the Commission shall issue the attached Order which is incorporation herein by reference; and that a violation of the Order shall subject STK to appropriate legal action.

22. Agreements, understandings, representations, or interpretations made outside this Settlement Agreement and Order may not be used to vary or contradict its terms.

23. The provisions of the Settlement Agreement and Order shall apply to STK and each of its successors and assigns.

Dated: March 13, 1997.

Respondent STK International, Inc.

Stuart Todd Kole,

President, STK International, Inc., 2602 East 37th Street, Vernon, CA 90058.

Commission Staff

Eric L. Stone,

Director, Division of Administrative Litigation, Office of Compliance.

David Schmeltzer,

Assistant Executive Director, Office of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207–0001.

Dated: March 19, 1997.

Dennis C. Kacoyanis,

Trial Attorney, Division of Administrative Litigation, Office of Compliance.

Order

Upon consideration of the Settlement Agreement between Respondent STK International, Inc., a corporation, and the staff of the Consumer Product Safety Commission; and the Commission having jurisdiction over the subject matter and STK International, Inc.; and it appearing that the Settlement Agreement and Order is in the public interest, it is

Ordered, that the Settlement Agreement and Order be and hereby is accepted, as indicated below; and it is

Further ordered, that upon final acceptance of the Settlement Agreement and Order, STK International, Inc. shall pay to the Commission a civil penalty in the amount of EIGHTY THOUSAND AND 00/100 DOLLARS ($80,000.00) in two payments consisting of FORTY THOUSAND AND 00/100 DOLLARS ($40,000.00) each. The first payment of FORTY THOUSAND AND 00/100 DOLLARS ($40,000.00) shall be due within twenty (20) days after service upon Respondent of the Final Order of the Commission accepting the Settlement Agreement and Order (hereinafter, the anniversary date). The second payment of FORTY THOUSAND AND 00/100 DOLLARS ($40,000.00) shall be paid within one year after service of the Final Order upon Respondent. Payment of the full amount of the civil penalty shall settle fully the staff's allegations set forth in paragraphs 4 through 13 of the Settlement Agreement and Order that STK International, Inc. violated the FHSA. Upon failure of STK International, Inc. to make payment or upon the making of a late payment by STK International, Inc. (a) the entire amount of the civil penalty shall be due and payable, and (b) interest on the outstanding balance shall accrue and be paid at the federal legal rate under the provisions of 28 U.S.C. §§ 1961 (a) and (b).

Provisionally accepted and Provisional Order issued on the 21st day of April, 1997.

By Order of the Commission.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 97–10692 Filed 4–24–97; 8:45 am]

BILLING CODE 6355–01–M

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

National Service Fellowships

AGENCY: Corporation for National and Community Service.

ACTION: Request for proposals.

SUMMARY: The Corporation for National and Community Service (Corporation) requests proposals to be submitted so that it may support up to fifteen National Service Fellowships beginning in September 1997.

DATES: Proposals must be received by June 16, 1997.

ADDRESSES: Proposals must be delivered to Pam Burch, Procurement Services, Corporation for National and Community Service, 1201 New York Avenue NW, 9th Floor, Washington, DC 20525.

FOR FURTHER INFORMATION: Guidelines for developing proposals must be made in writing (no telephonic requests will be accepted) to the address above, by facsimile to (202) 565-2777, or by electronic mail to Pburch@cns.gov. For all other questions, contact Pam Burch at (202) 606–5000 ext.352.

SUPPLEMENTARY INFORMATION: The Corporation plans to support up to fifteen National Service Fellowships beginning in September 1997. The Fellowships will be in the form of contracts, made directly to individuals, for up to $25,000 for a nine to ten month period ($2,500 per month). Fellowship candidates must submit a proposal to the Corporation explaning a significant issue that they would address, what contribution they would make, and what outcomes would result from their efforts. Fellowship assignments will be carried out where the Corporation (or possibly State Commissions) maintains offices so that the Corporation may provide office space and management. In addition to producing the outcomes specified in their respective proposals, fellows will also serve on a self-managed team with other fellows to assess progress, consider synergy among projects, and for purposes of individual development. Fellowship candidates must be citizens or lawful permanent resident aliens of the United States.

Criteria for Consideration

1. Substance and conceptual quality of the proposal.

2. Relevance of the proposed outcome to the Corporation and/or the field of service.

3. Degree of predictability that the prospective Fellow has the ability to produce the proposed outcome, including indicators such as work experience and accomplishments, and academic credentials and accomplishments.

4. Experience performing significant service, including experience as an AmeriCorps Member or Leader, or with another Corporation-related program.

Authority: 45 CFR 2533.10.

Dated: April 21, 1997.

Thomas M. Flemming,

Program Management Officer, Corporation for National and Community Service.

[FR Doc. 97–10696 Filed 4–24–97; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Underground Facilities

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Underground Facilities will meet in closed session on May 28–29, 1997 at Strategic Analysis Inc., 4001 N. Fairfax Drive, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the

Department of Defense. At this meeting the Task Force will address the threat to U.S. interests posed by the growth of underground facilities in unfriendly nations. The Task Force should investigate technologies and techniques to meet the international security and military strategy challenges posed by these facilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that this DSB Task Force meeting concerns matters listed in 5 U.S.C. § 552b(c)(1) (1994), and that accordingly this meeting will be closed to the public.

Dated: April 21, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–10671 Filed 4–24–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Submarine of the Future

ACTION: Notice of Advisory Committee Meetings.

SUMMARY: The Defense Science Board Task Force on Submarine of the Future will meet in closed session on May 19–20, 1997 at Science Applications International Corporation, 4001 N. Fairfax Drive, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense through the Under Secretary of Defense for Acquisition and Technology on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting the Task Force will assess the nation's need for attack submarines in the 21st century.

In accordance with Section 10(d) of the Federal Advisory Committee Act, PL No. 92–463, as amended (5 U.S.C. App. II, (1994)), it has been determined that these DSB Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) (1994), and that accordingly these meetings will be closed to the public.

Dated: April 21, 1997.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 97–10672 Filed 4–24–97; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Environmental Assessment (EA) and Finding of no Significant Impact (FNSI) for the Disposal and Reuse of Fort Holabird Defense Investigative Service and Cummins Apartments Parcels, Baltimore, Maryland

AGENCY: Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with Public Law 101–510, the Defense Base Closure and Realignment Commission recommended the closure of Fort Holabird upon relocation of its remaining tenant, the Defense Investigative Service (DIS). The law further directs that the organization be relocated to a new facility at Fort Meade, Maryland. In addition, Public Law 104–106 allows for the conveyance of the 6.6 acres under and around Cummins Apartments, housing located on a parcel of Fort Holabird, to the current owner of the apartment building(s).

The EA analyzes the environmental and socioeconomic effects of the closure of Fort Holabird, and the sale of land associated with Cummins Apartments. The relocation of the organization to Fort Meade and the planned construction of a new facility is covered in a separate EA. The Fort Holabird disposal EA also evaluates potential reuse of the property.

The EA evaluated three disposal alternatives: encumbered disposal, unencumbered disposal, and the no-action alternative. The preferred alternative is encumbered disposal. This involves transfer of the property with conditions, imposed by the Army and incorporated into transfer documents, on future reuse. Currently, there are no encumbrances associated with the parcels. There are, however, several potentially contaminated areas in the vicinity of the DIS parcel. These areas require further environmental evaluation. If the ongoing investigation reveals contamination that needs to be remediated, it may be necessary to dispose of the property with encumbrances to protect and allow continued access to affected area.

In addition to the proposed Army disposal actions, the EA also evaluates three potential reuse scenarios for the DIS parcel (high-intensity, medium-intensity, and low-intensity reuse scenarios). These scenarios were developed by the Army in cooperation with the City of Baltimore to evaluate a range of reasonably foreseeable impacts from reuse by other parties, as an indirect action resulting from the disposal. A local community reuse plan is being prepared.

The Chief of Staff, U.S. Army Military District of Washington, has concluded the proposed disposal and reuse of the DIS and Cummins Apartments parcels do not constitute a major federal action significantly affecting the environment. Because no significant adverse effects are expected as a result of the disposal and reuse of the parcels, an Environmental Impact Statement is not required, and will not be prepared.

DATES: Public comments must be submitted on or before May 27, 1997.

ADDRESSES: Copies of the EA and FNSI may be obtained by writing to, and any inquiries should be addressed to, the U.S. Army Corps of Engineers, ATTN: Ms. Maria de la Torre (CENAB–PL–EM), P.O. Box 1715, Baltimore, Maryland 21203–1715, or by telefax at (410) 962–4698, within 30 days of the publication of this notice. Individuals wishing to review the EA may also examine a copy at the Enoch Pratt Library, 400 Cathedral Street, Baltimore, Maryland.

FOR FURTHER INFORMATION CONTACT: Ms. Charlotte Rodriguez at (202) 685–3255.

Dated: April 18, 1997.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 97–10773 Filed 4–24–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability of the Record of Decision (ROD) for Hamilton Army Airfield, California, Disposal and Reuse Final Environmental Impact Statement (FEIS)

AGENCY: Deparmtnet of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969 and the President's Council on Environmental Quality, the Army has prepared an FEIS for the disposal of lands at Hamilton Army Airfield (HAAF), California. The FEIS also describes the potential impacts of a range of potential reuse alternatives. The ROD, based on the FEIS, finds no significant impacts are associated with disposal of HAAF. Any impacts or mitigation associated with reuse depending on intensity and scenario chosen will be the responsibility of non-

Army entities for implementation in accordance with applicable laws and regulations.

AVAILABILITY OF REVIEW COPIES: Copies of the ROD can be reviewed at the Novato Department of Community Development, 901 Sherman Avenue, Novato, California; the Marin County Free Library, 3501 Civic Center Drive, San Rafael, California; and the Novato Branch of the Marin County Free Library, 1720 Novato Boulevard, Novato, California.

Dated: April 18, 1997.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA (I, L&E).

[FR Doc. 97–10774 Filed 4–24–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

ARMS Initiative Implementation

AGENCY: Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of the next meeting of the Armament Retooling and Manufacturing Support (ARMS) Public/Private Task Force (PPTF). The PPTF is chartered to develop new and innovative methods to maintain the government-owned, contractor-operated ammunition industrial base and retain critical skills for a national emergency. This meeting will update attendees on the status of ongoing actions with decisions being made to close out or continue these actions. Topics for this meeting include program status, Government Property issues, ARMS Loan Program, national marketing, and individual plant status presentations by facility use contractors. Goals will be set for the future of the PPTF. This meeting is open to the public.

DATE OF MEETING: May 22, 1997.

PLACE OF MEETING: Double Tree Hotel, 300 Army Navy Drive, Arlington, Virginia 22202.

TIME OF MEETING: 8:00 am–5:00 pm, May 22, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Elwood H. Weber, ARMS Task Force, HQ Army Material Command, 5001 Eisenhower Avenue, Alexandria, Virginia 22333; Phone (703) 617–9788.

SUPPLEMENTARY INFORMATION: Reservations must be made directly with the Double Tree Hotel, telephone 703–416–4100 no later than 8 May 1997 in order to assure a room at the rate of $112.98. Please be sure to mention that you will be attending the ARMS PPTF meeting to assure occupancy in the block of rooms set aside for this meeting. Shuttle bus service is available from the National Airport to the Double Tree Hotel. Request you contact Donna Ponce on the ARMS Team, telephone (309) 782–4535, if you will be attending the meeting, so that our roster of attendees is accurate. This number may also be used if other assistance regarding the ARMS meeting is required.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 97–10701 Filed 4–24–97; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Scoping Meetings for Environmental Impact Statement for the Implementation of a Comprehensive Land Use Management Plan at the Naval Air Weapons Station, China Lake, CA

SUMMARY: On April 1, 1997, the Department of the Navy announced its intent to prepare an Environmental Impact Statement (EIS) to evaluate the potential environmental effects of implementing a comprehensive Land Use Management Plan for the Naval Air Warfare Center Weapons Division (NAWCWD), located at the Naval Air Weapons Station (NAWS), China Lake, California. The Navy's proposed action is the implementation of a comprehensive Land Use Management Plan (LUMP) at NAWS China Lake for managing existing and proposed land uses authorized under the California Desert Protection Act. Proposed land uses include, but are not limited to, ongoing and future military operations, public health and safety practices, and ongoing and future environmental resources management and conservation at NAWS China Lake. The LUMP will be developed in conformance with the Federal Land Policy and Management Act.

The EIS will also evaluate a range of land use management practices, including the no action alternative. Alternative land use management practices could include a range of activities of greater or lessor intensity of land use type or tempo. The no action alternative would implement a Land Use Management Plan that would not change the ongoing type or tempo of land uses and environmental resources management direction or emphasis.

Six scoping meetings will be held to solicit public input and identify issues that need discussion in the EIS. The meetings will be held at the following times and locations: (1) the fairgrounds in Ridgecrest, CA on May 20, 1997 at 7:00 p.m.; (2) The Rand Community Building in Johannesburg, CA on May 21, 1997 at 7:30 p.m.; (3) The Learning Center in Independence, CA on May 22, 1997 at 7:00 p.m.; (4) Trona High School in Trona, CA on June 3, 1997 at 7:00 p.m.; (5) Barstow Community College in Barstow, CA on June 4, 1997 at 7:00 p.m.; and (6) Inyokern Elementary School in Inyokern, CA on June 5, 1997 at 7:00 p.m. A one-hour poster session will precede each meeting, so the public can familiarize itself with NAWS China Lake and the proposed action.

ADDRESSES: Agencies and the public are invited and encouraged to provide written comments in addition to, or in lieu of oral comments at the public scoping meetings. To be most helpful, scoping comments should clearly describe specific issues or topic which the EIS should address. Written comments must be postmarked by June 30, 1997 and should be mailed to Commander, Naval Air Weapons Station China Lake, Attn: Ms. Robin Hoffman, Land Use Planning Office, China Lake, CA 93555, telephone (619) 939–0935, fax (619) 939–2541.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this notice may be obtained by contacting Ms. Robin Hoffman at (619) 939–0935.

Dated: April 21, 1997.

D.E. Koenig,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 97–10775 Filed 4–24–97; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of partially closed meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the

general public of their opportunity to attend..

Dates: May 8–10, 1997.

Times: May 8—Subject Area Committee #2, 3:30—5:00 P.M. (closed), 3:00—3:30 P.M., (open); Achievement Levels Committee, 3:00—5:00 P.M., (open); Executive Committee, 5:00—6:30 P.M. (open), 6:30—7:00 P.M. (closed). May 9—Full Board, 8:00 A.M.—10:00 A.M. (open); Subject Area Committees #1 and #2 in joint session, 10:00 A.M.—12:00 Noon, (open); Design and Methodology Committee, 10:00 A.M.—12:00 Noon, (open); Reporting and Dissemination Committee, 10:00 A.M.—12:00 Noon, (open); Full Board 12:00 Noon—4:00 P.M., (open). May 10—Full Board, 9:00 A.M. until adjournment, approximately 12:00 Noon (open).

Location: The Madison Hotel, 15th and M Streets, NW, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mary Ann Wilmer, Operations Officer, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW, Washington, D.C., 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress. The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

On May 8, Subject Area Committee #2 and the Executive Committee will meet in partially closed session. Subject Area Committee #2 will meet in closed session from 3:30—5:00 P.M. to review items, scoring criteria, and sample responses from the 1997 NAEP writing field test. This portion of the meeting must be closed because references will be made to specific items from the assessment and premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action. Such matters are protected by exemption (9)(B) of Section 552b(c) of Title 5 U.S.C. In open session, 3:00—3:30 P.M., the Committee will review plans for upcoming assessments and item review sessions in preparation for the 1998 NAEP cycle.

the Executive Committee will meet in closed session from 6:30—7:00 P.M. to discuss the development of cost estimates for NAEP and future contract initiatives. Public disclosure of this information would likely have an adverse financial effect on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of Section 552b(c) of Title 5 U.S.C. In the open session from 5:00—6:30 P.M., the Executive Committee will hear the results of a customer survey of NAEP users; discuss the status of NAGB committee redesign assignments; and hear a report on NAEP secondary analysis.

Also, on May 8, from 3 to 5 p.m., there will be an open meeting of the Achievement Levels Committee. The Committee will hear a briefing on the evaluation being conducted by the National Academy of Sciences, and preview the work for the setting of achievement levels for civics and writing.

On May 9, the full Board will convene in open session at 8 a.m. The agenda for this session of the full Board meeting includes approval of the agenda, the Executive Director's Report, a presentation on President Clinton's Initiative on Voluntary Tests, and an update on the NAEP project. Between 10 a.m. and 12 noon, there will be open meetings of the following subcommittees: Design and Methodology, Reporting and Dissemination, and a joint meeting of Subject Area Committees #1 and #2. The Design and Methodology Committee will review and discuss the draft policy prepared for a short-form NAEP, and hear a briefing on plans for a NAEP Validity Studies Panel. Agenda items for the Reporting and Dissemination Committee include consideration of definitions of NAEP Reports: Comprehensive, Standard, Focused, and Market-Basket; review and discuss plans for NAEP Week; and hear presentations on various report release plans. The Joint Subject Area Committees #1 and #2 will discuss progress on their NAEP redesign topics. These topics include the draft framework policy, state options for NAEP, and results of the NCES/NAEP Constituent Survey.

The full Board will reconvene in open session at 12 p.m. to hear a briefing on the 1996 NAEP Science Report, have a presentation on and discussion of the reading and math initiatives, and to continue discussion on NAEP Redesign.

On May 10, the full Board will meet in open session from 9 a.m. until adjournment at approximately 12 noon. The Board will hear a presentation on the National Academy of Education's Report, *Assessment in Transition: Monitoring the Nation's Educational Progress.* The Board will then hear reports from its various committees.

A summary of the activities of the closed and partially closed sessions and other related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b, will be available to the public within 14 days after the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite 825, 800 North Capitol Street, NW., Washington, DC, from 8:30 a.m. to 5 p.m.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 97–10707 Filed 4–24–97; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

State Energy Program Special Projects Financial Assistance

AGENCY: The Department of Energy.

ACTION: Notice for 1997 State Energy Program Special Projects.

SUMMARY: As options offered under the State Energy Program (SEP) for fiscal year 1997, the Office of Energy Efficiency and Renewable Energy is announcing the availability of financial assistance to States for a group of special project activities. Funding is being provided by a number of end-use sector programs in the Office of Energy Efficiency and Renewable Energy. States may apply to undertake any of the projects being offered by these programs. States that are awarded funding for special projects will carry out their projects in conjunction with their efforts under SEP, with the special projects funding and activities tracked separately so that the end-use sector programs may follow the progress of their projects.

The projects must meet the relevant requirements of the programs providing the funding, as well as of SEP, as specified in the program guidance/solicitation. Among the goals of the special projects activities are to assist States to: accelerate deployment of energy efficiency and renewable energy technologies; facilitate the acceptance of emerging and underutilized energy

efficiency and renewable energy technologies; and increase the responsiveness of Federally funded technology development efforts to private sector needs.

DATES: The program guidance/solicitation was available March 31, 1997. Applications must be received by June 6, 1997.

ADDRESSES AND FOR FURTHER INFORMATION CONTACT: Faith Lambert at the U.S. Department of Energy Headquarters, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–2319, for referral to the appropriate DOE Regional Support Office.

SUPPLEMENTARY INFORMATION: Fiscal year 1997 is the second year special project activities are funded in conjunction with the State Energy Program (10 CFR part 420). Most of these State-oriented special projects are related to or based on similar efforts that have been funded separately by the various DOE end-use sector programs that are now providing funding for these optional SEP activities.

Availability of Fiscal Year 1997 Funds

With this publication, DOE is announcing the availability of $9.75 million in financial assistance funds for fiscal year 1997. The awards will be made through a competitive process. The end-use sector programs that are participating in the SEP special projects for fiscal year 1997, with the estimated minimum amount of funding available for each, are as follows:

- *Clean Cities:* Accelerating the introduction and increasing the use of alternative fuels and alternative fueled vehicles through the development of infrastructure and clean corridors ($1,550,000).
- *Federal Energy Management Program:* Developing Federal/State partnerships to increase technical capability and funding for energy efficiency, renewable energy, and water conservation measures for Federal and State buildings ($545,000).
- *Industrial Programs:* May include such programs as: NICE'' to improve industrial competitiveness through energy efficiency and waste reduction;
- *Motor Challenge:* To increase the market penetration of energy efficient industrial electric motor driven systems; and
- *Climate Wise:* To provide resources for States to design and implement comprehensive industrial assistance initiatives (estimated total for these programs: $1,250,000).
- *Rebuild America:* Helping community and regional partnerships improve commercial and multifamily building energy efficiency ($1,000,000).
- *Codes and Standards:* Supporting States actions to update, implement, and enforce residential and commercial building energy codes ($3,800,000).
- *Utility Technologies:* Projects to demonstrate and increase utilization of renewable energy sources, such as biomass, geothermal heat pumps, hydrogen technology, photovoltaics for utility scale applications, and wind energy ($850,000).

Restricted Eligibility

Eligible applicants for purposes of funding under this program are limited to the 50 States, the District of Columbia, Puerto Rico, or any territory or possession of the United States, specifically, the State energy or other agency responsible for administering the State Energy Program pursuant to 10 CFR part 420. For convenience, the term State in this notice refers to all eligible State applicants.

The Catalog of Federal Domestic Assistance number assigned to the State Energy Program is 81.041.

Requirements for cost sharing or matching contributions will be addressed in the program guidance/solicitation for each special project activity, as appropriate. Cost sharing or matching contributions beyond any required percentage are desirable.

Any application must be signed by an authorized State official, in accordance with the program guidance/solicitation.

Evaluation Review and Criteria

A first tier review for completeness will occur at the appropriate DOE Regional Support Office. Applications found to be complete will undergo a merit review process by panels comprised of members representing the respective participating end-use sector programs in DOE's Office of Energy Efficiency and Renewable Energy. A decision as to the applications selected for funding will then be made by the Deputy Assistant Secretary for Building Technology, State and Community Programs, or designee, based on the findings of the technical merit review and any stated program policy factors. DOE reserves the right to fund, in whole or in part, any, all or none of the applications submitted in response to this notice.

More detailed information is available from the U.S. Department of Energy Headquarters at (202) 586–2319.

Issued in Washington, DC, on April 17, 1997.

Christine A. Ervin,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 97–10721 Filed 4–24–97; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2519–000]

Atlantic City Electric Company; Baltimore Gas and Electric Company; Delmarva Power & Light Company; Jersey Central Power & Light Company; Metropolitan Edison Company; Pennsylvania Electric Company; Pennsylvania Power & Light Company; PECO Energy Company; Potomac Electric Power Company; Public Service Electric and Gas Company; Notice of Filing

April 21, 1997.

Take notice that on April 15, 1997, Cinergy Services, Inc. and Con Agra Energy Services, Inc. applied to become additional signatories to the Pennsylvania-New Jersey Maryland Interconnection Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before April 25, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10744 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1845–000]

CNG Retail Services Corporation; Notice of Issuance of Order

April 22, 1997.

CNG Retail Services Corporation (CNG Services) submitted for filing a rate schedule under which CNG Services will engage in wholesale electric power and energy transactions as a marketer. CNG Services also requested waiver of various Commission regulations. In particular, CNG Services requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by CNG Services.

On April 1, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities or assumptions of liability by CNG Services should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, CNG Services is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of CNG Services' issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 1, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10748 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–342–000]

Columbia Gas Transmission Corporation; Notice of Request Under Blanket Authorization

April 21, 1997.

Take notice that on April 14, 1997, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, SE., Charleston, West Virginia 25314–1599, filed in the above docket, a request pursuant to Sections 157.205, and 157.211 of the Commission's Regulations under the Natural Gas Act (N.A.) (18 CFR 157.205, and 157.211) and Columbia's authorization in Docket No. CP83–76–000, for authorization to construct and operate the facilities necessary to establish ten additional points of delivery to existing customers for firm transportation service, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Columbia states that the quantities to be provided through the new delivery point will be within Columbia's authorized level of services. Therefore, there is no impact on Columbia's existing design day and annual obligations to the customers as a result of the construction and operation of the new points of delivery for firm transportation service.

Columbia estimated that the cost to install the new taps to be approximately $150 per tap and will be treated as an O&M expense. Columbia states that it will comply with all of the environmental requirements of Section 157.206(d) of the Commission's Regulations prior to the construction of any facilities.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity is deemed to be authorized effective on the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10743 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–331–000]

Decatur Utilities, City of Decatur Alabama, and Huntsville Utilities City of Huntsville, Alabama v. Alabama-Tennessee Natural Gas Company; Notice of Complaint and Petition for Waiver of Tariff Provisions

April 21, 1997.

Take notice that on April 15, 1997, Decatur Utilities, City of Decatur, Alabama, and Huntsville Utilities, City of Huntsville, Alabama, (Decatur and Huntsville) tendered for filing a complaint against Alabama-Tennessee Natural Gas Company (Alabama-Tennessee) and a motion for expedited injunctive relief, and a petition for waiver of tariff provisions, pursuant to Section 5 of the Natural Gas Act, Order No. 636–A, and Rules 206, 207, and 212 of the Commission's Rules of Practice and Procedure.

Decatur and Huntsville submits their complaint against the unlawful abandonment of their firm transportation service with Alabama-Tennessee. Decatur and Huntsville also seek a limited waiver of the right-of-first refusal (ROFR) provisions of Alabama-Tennessee's FERC Gas Tariff. Decatur's and Huntsville's firm transportation contracts with Alabama-Tennessee expire on November 1, 1997, and April 1, 1998, respectively. Under the provisions of Alabama-Tennessee's FERC Gas Tariff, Section 3.14(e), Decatur and Huntsville expect Alabama-Tennessee to commence the ROFR process by posting the capacity under their expiring transportation contracts in May, 1997.

Decatur and Huntsville respectfully request the Commission to: (i) Find the abandonment of their firm transportation service from Alabama-Tennessee is unlawful under the circumstances presented; (ii) order that firm transportation services from Alabama-Tennessee to Decatur and

Huntsville continue for one year past their respective contract expiration dates, or, in the alternative, continue for whatever term the Commission deems appropriate to coincide with the commencement of firm transportation service on Southern; and (iii) grant a limited waiver of the ROFR procedures of Alabama-Tennessee's tariff, such that the right-of-first-refusal process for Decatur's and Huntsville's capacity is postponed until the Commission's final order on the Southern project in docket No. CP96–153 is issued. Decatur and Huntsville further request the Commission to expedite its review of this complaint and motion for relief, and to issue an order as soon as possible.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 214 and 211 of the Commission's Rules of Practice and Procedure 18 CFR 385.214 and 211. All such motions or protests should be filed on or before May 1, 1997. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make Protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. Answers to this complaint shall be due on or before May 1, 1997.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10746 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP97–341–000]

Great Lakes Gas Transmission Limited Partnership; Notice of Application

April 21, 1997.

Take notice that on April 11, 1997, as supplemented on April 15, 1997, Great Lakes Gas Transmission Limited Partnership (Great Lakes), One Woodward Avenue, Suite 1600, Detroit, Michigan 48226, filed in Docket No. CP97–421–000 an application pursuant to Section 7(c) and 7(b) of the Natural Gas Act for a temporary and permanent certificate of public convenience and necessity authorizing Great Lakes to construct and operate approximately 1,100 feet of off right-of-way replacement 10-inch diameter mainline and 12-inch diameter loopline, respectively, in Chippewa County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Great Lakes states that the proposed facilities are necessary to remedy a *force majeure* condition on its system, resulting from soil subsidence along a slope adjacent to the North Branch of the Pine River, in Chippewa County, in Michigan's Upper Peninsula. According to Great Lakes, the authorization will allow it to construct the permanent facilities necessary to replace a temporary emergency line which was installed as a bypass, as well as abandon and remove from service the damaged segments of pipeline.

Great Lakes states that on April 7, 1997 it received information that a large section of hillside had subsided in the area of its main and loop lines in Chippewa County, Michigan, and that its lines were partially exposed. Great Lakes states that it immediately sent personnel to the site to investigate and found that an approximate 5 acre plot of land had slid, both laterally and vertically, toward the North Branch of the Pine River (Section 35, T45N, R3W, Chippewa County, Michigan). As a result, approximately 970 feet of main and loop line moved between 45 to 50 feet laterally and 25 to 30 feet vertically. It is stated that the operating pressure of both lines was subsequently lowered and personnel were dispatched to man block valves on either side of the landslide area in the event that the lines ruptured. Great Lakes states that the affected customers, Michigan Consolidated Gas Company and TransCanada PipeLines Limited, were notified on April 8, 1997. Great Lakes further states that the Department of Transportation, Michigan Public Service Commission and pertinent local authorities were also notified of the situation on that date.

Great Lakes contends that upon investigation it appears that the landslide was the result of laterally unstable soils due to a high moisture content and a possible loss of lateral support due to erosion side-cutting a river channel located at the base of the slope. It is stated that the preliminary investigation revealed that the area was not stable and further shifts might occur. Great Lakes states that it began efforts to stabilize the site by directing excess moisture away from the slide area. Great Lakes then commissioned a geotechnical survey to assess soil stability and to assist in locating permanent replacement lines.

Great Lakes states that the replacement 10-inch mainline and 12-inch loopline will be located between its milepost 25.49 and milepost 25.70 in Chippewa County, Michigan. It is stated that the new permanent pipe will be configured in a curved shape, the apex of which will locate the center lines of the new pipe approximately 275 feet east of the centerlines of the original main and loop lines. It is stated that the new right-of-way will be located on the same landowners property where Great Lakes' existing main and loop lines are located.[1] Great Lakes states that there will be no permanent above-ground facilities installed as part of this project. In addition, there will be no stream crossings required in connection with constructing the new facilities.

Great Lakes states that its 10-inch mainline and 12-inch loopline in this area of the Upper Peninsula of Michigan provide the sole transportation source for natural gas supplied to the communities of Rudyard and Sault Ste. Marie, Michigan and Sault Ste. Marie, Ontario, Canada. Given this, Great Lakes states that it began emergency efforts to maintain transportation through this area of its system. In this regard, on April 13, 1997, Great Lakes placed into service an above-ground, 12-inch diameter emergency by-pass line to isolate the impacted main and loop lines, which were removed from service.

Great Lakes states that its proposed facilities will permanently replace both the damaged main and damaged loop line segments and the emergency by-pass line. It is stated that the proposed facilities will not alter the capacity of Great Lakes' main and loop lines, nor be used to provide service to any new customer. It is stated that these facilities will enable Great Lakes to continue providing natural gas transportation service for communities which are completely reliant on Great Lakes for their upstream natural gas transportation needs. In light of the foregoing, Great Lakes states that the proposed facilities are required by the public convenience and necessity and should be approved for construction and operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 12, 1997, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a motion to intervene or a protest in accordance with the

[1] Great Lakes states that the landowner for this property has agreed to Great Lakes' off right-of-way replacement. It is stated that an insignificant number of feet of the proposed lines will be located within Great Lakes' existing right-of-way at the edge of Michigan State forest land.

requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and procedure, a hearing will be held with further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Great Lakes to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10742 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–1716–000]

North Atlantic Utilities, Inc.; Notice of Issuance of Order

April 22, 1997.

North Atlantic Utilities, Inc. (NAUI) submitted for filing a rate schedule under which NAUI will engage in wholesale electric power and energy transactions as a marketer. NAUI also requested waiver of various Commission regulations. In particular, NAUI requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liability by NAUI.

On April 3, 1997, pursuant to delegated authority, the Director, Division of Applications, Office of Electric Power Regulation, granted requests for blanket approval under Part 34, subject to the following:

Within thirty days of the date of the order, any person desiring to be heard or to protest the blanket approval of issuances of securities of assumptions of liability by NAUI should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214).

Absent a request for hearing within this period, NAUI is authorized to issue securities and assume obligations or liabilities as a guarantor, endorser, surety, or otherwise in respect of any security of another person; provided that such issuance or assumption is for some lawful object within the corporate purposes of the applicant, and compatible with the public interest, and is reasonably necessary or appropriate for such purposes.

The Commission reserves the right to require a further showing that neither public nor private interests will be adversely affected by continued approval of NAUI's issuances of securities or assumptions of liability.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is May 5, 1997. Copies of the full text of the order are available from the Commission's Public Reference Branch, 888 First Street, NE., Washington, DC 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10747 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER97–2383–000, et al.]

Cinergy Services, Inc., et al.; Electric Rate and Corporate Regulation Filings

April 18, 1997.

Take notice that the following filings have been made with the Commission:

1. Cinergy Services, Inc.

[Docket No. ER97–2383–000]

Take notice that on April 2, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating companies, The Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), a Base Agreement, dated February 20, 1997 between Cinergy, CG&E, PSI and Houston Lighting & Power Company (HL&P).

The Base Agreement provides for sale on a market basis.

Cinergy and HL&P have requested an effective date of one day after this initial filing of the Base Agreement.

Copies of the filing were served on Houston Lighting & Power Company, the Texas Public Utility Commission, the Kentucky Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. Arizona Public Service Co.

[Docket Nos. ER96–2999–001 and ER97–31–001]

Take notice that on April 9, 1997, Arizona Public Service Company (APS) tendered for filing an amendment to the above referenced docket numbers.

A copy of this filing has been served on all parties on the official service list.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Northern States Power Company Minnesota Company

[Docket No. ER97–2384–000]

Take notice that on April 2, 1997, Northern States Power Company (Minnesota) (NSP), tendered for filing an Agreement dated March 26, 1997, between NSP and the City of Shakopee (City). In a previous agreement dated December 9, 1996, between the two parties, City agreed to continue paying NSP the current wholesale distribution substation rate of $0.47/kW-month until March 31, 1997. Since the December 9, 1996, agreement has terminated, this new Agreement has been executed to continue the current wholesale distribution substation rate of $0.47/kW-month until June 30, 1997.

NSP requests the Agreement be accepted for filing effective April 1, 1997, and requests waiver of the Commission's notice requirements in order for the Agreement to be accepted for filing on the date requested.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Carolina Power & Light Company

[Docket No. ER97–2385–000]

Take notice that on April 2, 1997, Carolina Power & Light Company (Carolina), tendered for filing executed Service Agreements between Carolina and the following Eligible Entities: Tennessee Valley Authority and Progress Power Marketing, Inc. Service to each Eligible Entity will be in

accordance with the terms and conditions of Carolina's Tariff No. 1 for Sales of Capacity and Energy.

Copies of the filing were served upon the North Carolina Utilities Commission and the South Carolina Public Service Commission.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Delmarva Power & Light Company

[Docket No. ER97–2387–000]

Take notice that on April 2, 1997, Delmarva Power & Light Company (Delmarva) tendered for filing an executed umbrella service agreement with NorAm Energy Services, Inc. under Delmarva's market rate sales tariff, FERC Electric Tariff, Original Volume No. 14, filed by Delmarva in Docket No. ER96–2571–000. Delmarva requested an effective date of March 3, 1997, the date service commenced.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Cinergy Services, Inc.

[Docket No. ER97–2388–000]

Take notice that on April 2, 1997, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Power Sales Standard Tariff (the Tariff) entered into between Cinergy and New York State Electric & Gas Corporation.

Cinergy and New York State Electric & Gas Corporation are requesting an effective date of March 4, 1997.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Great Bay Power Corporation

[Docket No. ER97–2390–000]

Take notice that on April 2, 1997, Great Bay Power Corporation (Great Bay), tendered for filing a service agreement between Morgan Stanley Capital Group Inc. and Great Bay for service under Great Bay's revised Tariff for Short Term Sales. This Tariff was accepted for filing by the Commission on May 17, 1996, in Docket No. ER96–726–000. The service agreement is proposed to be effective March 17, 1997.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. Northeast Utilities Service Company

[Docket No. ER97–2391–000]

Take notice that on April 2, 1997, Northeast Utilities Service Company (NUSCO), on behalf of its operating affiliates, The Connecticut Light and Power Company, Western Massachusetts Electric Company, Holyoke Water Power Company, Holyoke Power and Electric Company and Public Service Company of New Hampshire, tendered for filing the following Service Agreements under the Northeast Utilities System Companies' Sale for Resale Tariff No. 7 Market Based Rates. NUSCO requests an effective date of March 5, 1997.

NUSCO states that a copy of its submission has been mailed or delivered to the named customers on the Service Agreement.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Duquesne Light Company

[Docket No. ER97–2392–000]

Take notice that on April 3, 1997, Duquesne Light Company (DLC) filed a Service Agreement dated March 27, 1997 with NIPSCO Energy Services, Inc. under DLC's FERC Coordination Sales Tariff (Tariff). The Service Agreement adds NIPSCO Energy Services, Inc. as a customer under the Tariff. DLC requests an effective date of March 27, 1997 for the Service Agreement.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Cinergy Services, Inc.

[Docket No. ER97–2396–000]

Take notice that on April 4, 1997, Cinergy Services, Inc. (Cinergy) tendered for filing a service agreement under Cinergy's Open Access Transmission Service Tariff (the Tariff) entered into between Cinergy and Carolina Power & Light Company (CP&L).

Cinergy and CP&L are requesting an effective date of March 5, 1997.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Cinergy Services, Inc.

[Docket No. ER97–2397–000]

Take notice that on April 4, 1997, Cinergy Services, Inc. (Cinergy) tendered for filing on behalf of its operating companies, the Cincinnati Gas & Electric Company (CG&E) and PSI Energy, Inc. (PSI), an Interchange Agreement, dated March 1, 1997 between Cinergy, CG&E, PSI and CMS Marketing, Services and Trading Company (CMS MST).

The Interchange Agreement provides for the following service between Cinergy and CMS MST:

1. Exhibit A—Power Sales by CMS MST
2. Exhibit B—Power Sales by Cinergy

Cinergy and CMS MST have requested an effective date of one day after this initial filing of the Interchange Agreement.

Copies of the filing were served on CMS Marketing, Services and Trading Company, the Kentucky Public Service Commission, the Michigan Public Service Commission, the Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Public Service Electric and Gas Company

[Docket No. ER97–2399–000]

Take notice that on April 4, 1997, Public Service Electric and Gas Company (PSE&G) tendered for filing a Notice of Cancellation of Interruptible Transmission Service agreements between Pennsylvania Power and Light Co., Orange and Rockland Utilities, Inc., Long Island Lighting Co., Delmarva Power & Light Co., North American Energy Conservation, InterCoast Power Marketing, Engelhard Power Marketing, Enron Power Marketing, Heartland Energy Services, CMEX Energy, Inc., National Fuel Resources, Aquila Power Services, Rainbow Energy Marketing Corporation, Vitol Gas and Electric, Duke/Louis Dreyfus, L.L.C., PanEnergy Trading & Marketing Services, Coral Power L.L.C., PECO Energy Company, and PSE&G, presently on file with the Commission.

PSE&G further requests waiver of the Commission's regulations such that the filing can be made effective as of April 1, 1997, at which time non-firm transmission service may be requested pursuant to the Pennsylvania—New Jersey—Maryland Interconnection Association (PJM) pool-wide tariff.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Southern California Edison Company

[Docket No. ER97–2400–000]

Take notice that on April 4, 1997, Southern California Edison Company (Edison) tendered for filing a letter agreement dated April 3, 1997 (Letter), between Edison and the Southern California Water Company. The Letter modifies the terms under which FERC Rate Schedule No. 33.31 shall terminate.

Edison requests waiver of the Commission's 60-day notice requirement and an effective date of April 5, 1997.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Western Resources, Inc.

[Docket No. ER97–2401–000]

Take notice that on April 4, 1997, Western Resources, Inc. tendered for filing a firm transmission agreement between Western Resources and Duke/Louis Dreyfus L.L.C. Western Resources states that the purpose of the agreement is to permit non-discriminatory access to the transmission facilities owned or controlled by Western Resources in accordance with Western Resources' open access transmission tariff on file with the Commission. The agreement is proposed to become effective April 1, 1997.

Copies of the filing were served upon Duke/Louis Dreyfus L.L.C. and the Kansas Corporation Commission.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Northern States Power Company (Minnesota Company)

[Docket No. ER97–2402–000]

Take notice that on April 4, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing a Firm Point-to-Point Transmission Service Agreement between NSP and Wisconsin Public Power, Inc.

NSP requests that the Commission accept the agreement effective May 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. Northern States Power Company (Minnesota Company)

[Docket No. ER97–2403–000]

Take notice that on April 4, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing a Non-Firm Point-to-Point Transmission Service Agreement between NSP and Equitable Power Services Company.

NSP requests that the Commission accept the agreement effective March 6, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Northern States Power Company (Minnesota Company)

[Docket No. ER97–2404–000]

Take notice that on April 4, 1997, Northern States Power Company (Minnesota) (''NSP'') tendered for filing the Firm Point-to-Point Transmission Service Agreement between NSP and North Central Power Co., Inc.

NSP requests that the Commission accept the agreement effective April 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Northern States Power Company (Minnesota Company)

[Docket No. ER97–2405–000]

Take notice that on April 4, 1997, Northern States Power Company (Minnesota) (NSP) tendered for filing the Firm Point-to-Point Transmission Service between NSP and Northwestern Wisconsin Electric Company.

NSP requests that the Commission accept the agreement effective April 1, 1997, and requests waiver of the Commission's notice requirements in order for the agreement to be accepted for filing on the date requested.

Comment date: May 2, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10714 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC97–27–000, et al.]

Consumers Energy Company and ESEG, Inc. et al., Electric Rate and Corporate Regulation Filings

April 17, 1997.

Take notice that the following filings have been made with the Commission:

1. Consumers Energy Company and ESEG, Inc.

[Docket No. EC97–27–000]

Take notice that on April 11, 1997, Consumers Energy Company (Consumers) and ESEG, Inc. (ESEG) submitted a joint application for authority for Consumers to sell transmission facilities, and for ESEG to acquire such transmission facilities.

The transmission facilities which are the subject of the joint application consist of two 138 kV submarine cables extending across the Straits of Mackinac. Consumers and ESEG request approval of the Application pursuant to Section 203(a) of the Federal Power Act.

Comment date: May 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

2. ESEG, Inc.

[Docket No. EC97–28–000]

Take notice that on April 11, 1997, ESEG, Inc. (ESEG) filed an application requesting authorization to lease certain electric public utility facilities pursuant to Section 203 of the Federal Power Act. The application involves the proposed lease and transfer of operational control of two 138 kV submarine cables extending across the Straits of Mackinac between Michigan's Lower and Upper Peninsulas, together with associated termination structures at each end of such cables, to Edison Sault Electric Company.

Comment date: May 5, 1997, in accordance with Standard Paragraph E at the end of this notice.

3. Oklahoma Gas and Electric Company

[Docket No. ER96–3133–000]

Take notice that on April 2, 1997, Oklahoma Gas and Electric Company requested a revised effective date of December 1, 1996 and a waiver of the Commission's notice requirements.

Copies of this filing have been served on each cooperative to whom the Company supplies wholesale electric service, the Oklahoma Corporation Commission and the Arkansas Public Service Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

4. Engage Energy US

[Docket No. ER97–654–001]

Take notice that on March 28, 1997, Newco US, L.P. tendered for filing a letter stating that effective February 28, 1997, Newco US, L.P.'s name has been changed from Newco US, L.P. to Engage Energy US.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

5. Consolidated Edison Company of New York, Inc.

[Docket No. ER97–707–001]

Take notice that on March 31, 1997, Consolidated Edison Company of New York, Inc. tendered for filing its compliance filing in the above-referenced docket.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

6. Cataula Generating Company, L.P.

[Docket No. ER97–1686–000]

Take notice that on April 8, 1997, Cataula Generating Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

7. Strategic Power Management, Inc.

[Docket No. ER97–1781–000]

Take notice that on April 8, 1997, Strategic Power Management, Inc. tendered for filing an amendment in the above-referenced docket.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

8. South Carolina Electric & Gas Company

[Docket No. ER97–2018–000]

Take notice that on March 26, 1997, South Carolina Electric & Gas Company tendered for filing an amendment in the above-referenced docket.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER97–2063–000]

Take notice that on March 26, 1997, Cinergy Services, Inc. tendered for filing additional information to its initial filing in the above-referenced docket.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

10. Ohio Edison Company; Pennsylvania Power Company

[Docket No. ER97–2308–000]

Take notice that on March 27, 1997, Ohio Edison Company tendered for filing on behalf of itself and Pennsylvania Power Company, a Service Agreement with American Electric Power Service Corporation under Ohio Edison's Power Sales Tariff. This filing is made pursuant to Section 205 of the Federal Power Act.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

11. Wisconsin Electric Power Company

[Docket No. ER97–2309–000]

Take notice that Wisconsin Electric Power Company (Wisconsin Electric) on March 27, 1997, tendered for filing one firm transmission service agreement under FERC Electric Tariff, Original Volume No. 7 between itself and MGE Power Marketing (MGE) and six firm transmission service agreements between itself and Sonat Power Marketing L.P. Wisconsin Electric respectfully requests an effective date of February 18, 1997 for the MGE Agreement. For the Sonat agreements, Wisconsin Electric asks for an effective date coincident with the date of each agreement (February 13, February 25, February 26, February 26, February 27, and February 27, 1997). Wisconsin Electric is authorized to state that both MGE and Sonat join in the requested effective dates. Wisconsin Electric requests waiver of the Commission's advance notice requirements insofar as it filed the agreements as soon as it received the executed copies.

Copies of the filing have been served on MGE, Sonat, Commonwealth Edison Company, the Michigan Public Service Commission, and the Public Service Commission of Wisconsin.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

12. Midwest Energy, Inc.

[Docket No. ER97–2310–000]

Take notice that on March 27, 1997, Midwest Energy, Inc. (Midwest) tendered for filing with the Federal Energy Regulatory Commission the Service Agreement for Non-Firm Point-to-Point Transmission Service entered into between Midwest and Duke/Louis Dreyfus.

Midwest states that it is serving copies of the instant filing to its customers, State Commissions and other interested parties.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

13. Delmarva Power & Light Company

[Docket No. ER97–2343–000]

Take notice that on March 31, 1997, Delmarva Power & Light Company tendered for filing an amendment to the Interconnection Agreement with the Town of Easton, Maryland and the Easton Utilities Commission that unbundles the Agreement, conforms the Agreement to the PJM Operating Agreement and PJM Tariff, and provides for the sale by Delmarva of energy to Easton.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

14. Central Maine Power Company

[Docket No. ER97–2350–000]

Please take notice that on March 31, 1997, Central Maine Power Company (CMP) tendered for filing an executed service agreement for sale of capacity and/or energy with KOCH Power Services Inc. Service will be provided pursuant to CMP's Power Sales Tariff, designated rate schedule CMP—FERC Electric Tariff, Original Volume No. 2, as supplemented.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

15. Soyland Power Cooperative, Inc.

[Docket No. ER97–2351–000]

Take notice that on March 27, 1997, Soyland Power Cooperative, Inc. (Soyland) tendered for filing a Notice of Cancellation of its all-requirements contract with Edgar Electric Co-operative Association, Inc. (Edgar). Soyland states that Edgar, currently a member of Soyland, has given its notice of intent to withdraw from membership of Soyland; upon the consummation of Edgar's withdrawal from membership in Soyland, Soyland will no longer provide all-requirements electric service to Edgar.

Soyland states that a copy of the filing was served upon each person designated on the official service list.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

16. South Carolina Electric & Gas Company

[Docket No. ER97–2367–000]

Take notice that on March 31, 1997, South Carolina Electric & Gas Company (SCE&G) submitted service agreements establishing Cinergy Services, Inc., (CINERGY); Amoco Energy Trading

Corporation, (AETC); Baltimore Gas & Electric Company, (BG&E); Coral Power, L.L.C., (CP), and Rainbow Energy Marketing Corporation, (REMC) as customers under the terms of SCE&G's Negotiated Market Sales Tariff.

SCE&G requests an effective date of one day subsequent to the filing of the service agreement. Accordingly, SCE&G requests waiver of the Commission's notice requirements. Copies of this filing were served upon CINERGY, AETC, BG&E, CP, REMC, and the South Carolina Public Service Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

17. Boston Edison Company

[Docket No. ER97–2370–000]

Take notice that on April 1, 1997, Boston Edison Company (Boston Edison) of Boston, Massachusetts, filed an Application for Approval of Depreciation Rates pursuant to Section 302 of the Federal Power Act. Boston Edison states that its proposed new depreciation rates were approved for retail purposes by the Massachusetts Department of Public Utilities (MDPU) as of November 1, 1992. Boston Edison requests that the Commission also allow the proposed depreciation rates to become effective on November 1, 1992.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

18. Peco Energy Company

[Docket No. ER97–2371–000]

Take notice that on April 1, 1997, PECO Energy Company (PECO) filed a Service Agreement dated March 19, 1997 with CMS Marketing Services and Trading Company (CMSMST) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds CMSMST as a customer under the Tariff.

PECO requests an effective date of March 19, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to CMSMST and to the Pennsylvania Public Utility Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

19. PECO Energy Company

[Docket No. ER97–2372–000]

Take notice that on April 1, 1997, PECO Energy Company (PECO) filed a Service Agreement dated March 3, 1997 with Southern Minnesota Municipal Power Agency (SMMPA) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds SMMPA as a customer under the Tariff.

PECO requests an effective date of March 3, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to SMMPA and to the Pennsylvania Public Utility Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

20. PECO Energy Company

[Docket No. ER97–2373–000]

Take notice that on April 1, 1997, PECO Energy Company (PECO) filed a Service Agreement dated March 19, 1997 with Equitable Power Services Company (Equitable) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds Equitable as a customer under the Tariff.

PECO requests an effective date of March 19, 1997, for the Service Agreement.

PECO states that copies of this filing have been supplied to Equitable and to the Pennsylvania Public Utility Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

21. Quark Power L.L.C.

[Docket No. ER97–2374–000]

Take notice that on April 1, 1997, Quark Power L.L.C. (Quark Power) tendered for filing with the Federal Energy Regulatory Commission (Commission) an Application For Blanket Approval of Rate Schedule for Future Sales at Market-Based Rates and For Waivers and Pre-Approvals of Certain Commission Regulations (Application).

Quark Power intends to engage in electric power and energy transactions as a marketer and, as such, intends to sell energy and/or capacity at market-based rates mutually agreed upon by Quark Power and the purchaser.

Comment date: April 30, 1997, in accordance with Standard Paragraph E at the end of this notice.

22. Atlantic City Electric Company

[Docket No. ER97–2375–000]

Take notice that on April 1, 1997, Atlantic City Electric Company (Atlantic Electric), tendered for filing service agreements under which Atlantic Electric will sell capacity and energy to Allegheny Electric Cooperative, Inc., Northern Indiana Public Service and Illinova Power Marketing under Atlantic Electric's wholesale power sales tariff. Atlantic Electric requests the agreements be accepted to become effective on April 2, 1997.

Atlantic Electric states that a copy of the filing has been served on Allegheny Electric Cooperative, Inc., Northern Indiana Public Service and Illinova Power Marketing.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

23. Arizona Public Service Company

[Docket No. ER97–2376–000]

Take notice that on April 1, 1997, Arizona Public Service Company (APS), tendered for filing Service Agreements to provide Non-Firm Point-to-Point Transmission Service under APS' Open Access Transmission Tariff with LG&E Power Marketing, Inc. (LG&E) and Questar Energy (Questar).

A copy of this filing has been served on LG&E, Questar and the Arizona Corporation Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

24. Western Resources, Inc.

[Docket No. ER97–2377–000]

Take notice that on April 1, 1997, Western Resources, Inc. (Western Resources), tendered for filing a proposed change to its Federal Energy Regulatory Commission Electric Rate Schedule No. 211. Western Resources states the purpose of the change is to modify the Electric Power Supply Agreement between Western Resources and the City of Minneapolis, Kansas, by adding Service Schedule GD to the contract. The change is proposed to become effective June 1, 1997.

Copies of the filing were served upon the City of Minneapolis and the Kansas Corporation Commission.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

25. Minnesota Power & Light Company

[Docket No. ER97–2379–000]

Take notice that on April 1, 1997, Minnesota Power & Light Company (Minnesota Power), tendered for filing a Amendment No. 2 to Supplement No. 1 to Amendment to the Municipal Service Agreement between the City of Virginia Department of Public Utilities and Minnesota Power (Amendment No. 2). Minnesota Power requests an effective date of May 31, 1997.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

26. Minnesota Power & Light Company

[Docket No. ER97–2380–000]

Take notice that on April 1, 1997, Minnesota Power & Light Company (Minnesota Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service (the Service Agreement) between Minnesota Power, as the transmission provider, and Minnesota Power, as the transmission customer, for service to the City of Virginia. Minnesota Power requests that the Service Agreement be made effective as of April 1, 1997.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

27. Minnesota Power & Light Company

[Docket No. ER97–2381–000]

Take notice that on April 1, 1997, Minnesota Power & Light Company (Minnesota Power), tendered for filing a Service Agreement for Non-Firm Point-to-Point Transmission Service (the Service Agreement) between Minnesota Power, as the transmission provider, and Minnesota Power, as the transmission customer, for service to the City of Hibbing. Minnesota Power requests that the Service Agreement be made effective as of April 1, 1997.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

28. Wisconsin Power and Light Company

[Docket No. ER97–2382–000]

Take notice that on April 2, 1997, Wisconsin Power and Light Company (WP&L), tendered for filing Form of Service Agreements for Customers who have signed WP&L's Final Order pro forma transmission tariff submitted in Docket No. OA96–20–000. The customers are Madison Gas and Electric Company, Wisconsin Public Service Corporation, and Electric Clearinghouse, Inc. The customers previously signed earlier versions of WP&L's transmission tariffs.

WP&L requests an effective date of July 9, 1996, and accordingly seeks waiver of the Commission's notice requirements. A copy of this filing has been served upon the Public Service Commission of Wisconsin.

Comment date: May 1, 1997, in accordance with Standard Paragraph E at the end of this notice.

29. New York State Electric & Gas Corporation

[Docket No. OA97–571–000]

Take notice that New York State Electric & Gas Corporation (NYSEG) on March 27, 1997, tendered for filing pursuant to Section 206 of the Federal Power Act (FPA), Part 35 of the Federal Energy Regulatory Commission's (Commission) Regulations, 18 CFR Part 35, and in compliance with the Commission's Order 888–A, Order on Rehearing Docket Nos. RM95–8–001 and RM94–7–002, Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities; Recovery of Stranded Costs by Public Utilities and Transmitting Utilities, III FERC Stats. & Regs. ¶61,220 (Order No. 888–A), an Open Access Transmission Tariff (Tariff).

NYSEG served copies of the filing upon the persons listed on a service list submitted with its filing, including each of its existing wholesale transmission tariff customers and the New York State Public Service Commission.

Comment date: May 12, 1997, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10715 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 135–008]

Portland General Electric Company; Notice of Availability of Environmental Assessment

April 21, 1997.

An environmental assessment (EA) is available for public review. The EA is for an application to amend the license. The proposed amendment involves the reconfiguration of Dam B at Frog Lake. The EA finds that approval of the application would not constitute a major federal action significantly affecting the quality of the human environment. Frog Lake is a forebay for the Oak Grove Project and is located in Clackamas County, Oregon.

The EA was written by staff in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Copies of the EA can be viewed at the Commission's Reference and Information Center, Room 1C–1, 888 First Street, NE., Washington, DC 20426. Copies can also be obtained by calling the project manager, Patti Pakkala at (202) 219–0025.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10745 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. DI97–4–000, et al.]

Hydroelectric Applications [Paul R. Cheek, et al.]; Notice of Applications

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

1 a. Type of Application: Declaration of Intention.

b. Docket No.: DI97–4–000.

c. Date Filed : February 28, 1997.

d. Applicant: Paul R. Cheek.

e. Name of Project: Cougar Creek Project.

f. Location: Cougar Creek, Clark County, Washington, SW¼ of Section 23 and NW½ of Section 26, T. 2 N., R. 4 E.

g. Filed Pursuant to: Section 23(b) of the Federal Power Act, 16 U.S.C. § 817(b).

h. Applicant Contact: Paul R. Cheek, POB 12133, Portland, OR 97212, (503) 335–6738.

i. FERC Contact: Hank Ecton, (202) 219–2678.

j. Comment Date: May 23, 1997

k. Description of Project: The proposed project will consist of: (1) A small screened catch-basin in Cougar Creek with a 4-inch diversion pipe directed to a submersible generator; (2) a 500-foot-long transmission line, leading to a series of batteries; (3) a 4-inch-diameter tailrace pipe to direct the flow back into Cougar Creek; and (4) appurtenant facilities.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act

requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project's head or generating capacity, or have otherwise significantly modified the project's pre-1935 design or operation.

l. Purpose of Project: All power produced will be stored in a series of batteries, with power to be consumed by local residence.

m. This notice also consists of the following standard paragraphs: B, C1, and D2.

2 a. Type of Application: Preliminary Permit.

b. Project No.: 11601–000.

c. Date filed: March 3, 1997.

d. Applicant: County of Arapahoe and Town of Parker, Colorado.

e. Name of Project: Upper Gunnison River Basin.

f. Location: On Lottis Creek, Willow Creek, Spring Creek, East River, Antero Reservoir, Dead Man Gulch, Brush Creek, Cement Creek, Texas Creek, Taylor River, Taylor Park Reservoir, and the proposed Union Park Reservoir, in Gunnison, Chaffee, and Park Counties, Colorado.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C., § 791(a)–825(r).

h. Applicant Contact: Karl F. Kumli, III, Krassa, Kumli & Madsen, LLC, 4888 Pearl East Circle, Suite 202W, Boulder, CO 80301.

i. FERC Contact: Mr. Héctor M. Pérez, (202) 219–2843.

j. Comment Date: June 10, 1997.

k. Description of Project: The pumped storage project would utilize the existing U.S. Bureau of Reclamation's Taylor Park Dam and Reservoir as lower reservoir and consist of:

(1) A new 450-foot-high dam at the upstream end of Union Canyon with a crest elevation of 10,072 feet mean sea level (msl) to create the Union Park Reservoir with a storage capacity of 900,000 acre-feet and a surface area of 4,340 acres at maximum normal water surface elevation of 10,052 feet msl to serve as upper reservoir for the project; (2) an 11-foot-diameter and 8,000-foot-long pressure concrete-lined and steel-lined penstock from the Union Park Reservoir to the Taylor Park Reservoir; (3) a powerhouse with installed capacity of 60 megawatts located at or near the south shore of Taylor Park Reservoir; (4) an 11-foot-diameter and 2,000-foot-long concrete-lined tailrace; (5) a transmission line of approximately 38 miles long; and (6) other appurtenances.

l. This notice also consists of the following standard paragraphs: A5, A7, A9, A10, B, C, and D2.

3 a. Type of Application: Major New License.

b. Project Nos.: 2375 and 8277.

c. Applicants: International Paper Company and Otis Hydroelectric Company.

d. Name of Projects: Riley-Jay-Livermore Project and Otis Project.

e. Location: Androscoggin River, in the western portion of Central Maine, at the junction of Franklin, Androscoggin, and Oxford Counties.

f. Applicants Contact: Steve Groves, B–1, International Paper Company, Jay, ME 04239, 207–897–1389.

g. FERC Contact: Monte J. TerHaar, 202–219–2768.

h. International Paper Company mailed a copy of the PDEA and Draft License Application on all parties on March 28, 1997. The Commission received a copy of the PDEA and Draft License Application on April 1, 1997. Copies of these documents are available for review in International Paper's Public Reference Room at the Jordan Office, 99 Main Street, Jay, Maine.

i. As discussed in the Commission's April 27, 1995 letter to all parties, with this notice we are soliciting preliminary terms, conditions, and recommendations on the PDEA and comments on the Draft License Application.

j. All comments on the PDEA and Draft License Application should be sent to the address noted above in item (f) with one copy filed with the Commission at the following address: Federal Energy Regulatory Commission, 888 First Street, NE, Attn: Monte J. TerHaar, Mailstop HL–11.3, Washington, DC 20426.

All comments must include the project name and number and bear the heading ''Preliminary Comments'', ''Preliminary Recommendations'', ''Preliminary Terms and Conditions'', or ''Preliminary Prescriptions''. Any party interested in commenting must do so before Monday June 30, 1997.

4 a. Type of Application: Amendment of License.

b. Project No.: 503–019.

c. Dated filed: December 8, 1994.

d. Applicant: Idaho Power Company.

e. Name of Project: Swan Falls.

f. Location: The project is located on the Snake River, in Ada and Owyhee Counties, Idaho.

g. Filed pursuant to: Federal Power Act, 16 U.S.C., § 791(a)–825(r).

h. Applicant Contact: Laurel Heacock, Idaho Power Company, P.O. Box 70, Boise, ID 83707, (208) 388–2918.

i. FERC Contact: Jake H. Tung, (202) 219–2663.

j. Comment Date: May 28, 1997.

k. Description of Amendment: The licensee, Idaho Power Company, applied for an amendment of license to include a transmission line which was built in 1994. The as-built transmission line is approximately 5,160 feet long. The transmission line initiated from the switchyard and substation on the roof of new powerhouse travels northeasterly for approximately 700 feet and then shifts southwesterly for about 1,930 feet and continues easterly for 2,560 feet and finally ties to an existing transmission line.

l. This notice also consists of the following standard paragraphs; B, C1, and D2.

5 a. Type of Filing: Request to Amend to the 1993 Settlement Agreement Concerning the Development of Fish Passage Facilities at Safe Harbor, Holtwood, and York Haven Projects on the Susquehanna River, Pennsylvania.

b. Project Nos: 1888–015.

c. Date Filed: March 10, 1997.

d. Licensee: York Haven Power Company.

e. Name of Project: York Haven.

f. Location: The lower Susquehanna River in southeastern Pennsylvania: Lancaster, York, and Dauphin Counties.

g. Filed Pursuant to: The 1993 Settlement Agreement for the Development of Fish Passage Facilities at the Holtwood, Safe Harbor, and York Haven Projects on the Susquehanna River, approved by the Commission on June 30, 1994 (67 FERC ¶ 62,291).

h. Licensee Contact: Mr. William J. Madden, Jr., Winston and Strawn, 1400 L Street, N.W., Washington, DC 20005–3502, (202) 371–5700.

i. FERC Contact: Dr. John M. Mudre, (202) 219–1208.

j. Comment Date: May 27, 1997.

k. Description of Filing: The licensee for the York Haven Project requests Commission approval of its settlement agreement with the Pennsylvania Department of Environmental Protection, the Pennsylvania Fish and Boat Commission, the Maryland Department of Natural Resources, the U.S. Fish and Wildlife Service, and the Susquehanna River Basin Commission. The settlement agreement would amend the 1993 settlement agreement

concerning fish passage facilities at the project. Under the proposed agreement, the licensee would not construct a fish lift at the project's powerhouse, but would instead build a fish ladder at the west end of the East Channel Dam. The agreement contains provisions for studying the effectiveness of the facility. The agreement does not change the in-service date of the facility.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

6 a. Type of Application: Major Relicense (Tendered Notice).

b. Project No.: 2666–007.

c. Date filed: March 28, 1997.

d. Applicant: Bangor Hydro Electric Company.

e. Name of Project: Medway Hydroelectric Project.

f. Location: On the West Branch of the Penobscot River in Penobscot County, Maine.

g. Filed Pursuant to: Federal Power Act 16 USC §§ 791(a)–825(r).

h. Applicant Contact: Kathleen C. Billings, Director, Environmental Services & Compliance, Bangor Hydro Electric Company, 33 State Street, Bangor, Maine 04401, (207) 941–6636.

i. FERC Contact: David A. Turner at (202) 219–2844.

j. Description of Project: The existing project consists of: (1) A 120-acre reservoir with no usable storage; (2) the 343-foot-long Medway Dam; (3) a 64-foot-long forebay; (4) the Medway Powerhouse with an installed capacity of 3.44 MW; and (5) other appurtenances.

The applicant proposes to continue to operate the project in a run-of-river mode.

k. Under Section 4.32 (b)(7) of the Commission's regulations (18 CFR), if any resource agency, Indian Tribe, or person believes that the applicant should conduct an additional scientific study to form an adequate factual basis for a complete analysis of the application on its merits, they must file a request for the study with the Commission, not later than 60 days after the application is filed, and must serve a copy of the request on the applicant.

7a. Type of Application: New License for Major Project.

b. Project No.: 2687–014.

c. Date filed: December 20, 1993.

d. Applicant: Pacific Gas & Electric Company.

e. Name of Project: Pit 1 Project.

f. Location: On the Fall River and the Pit River, near the towns of Fall River Mills, McArthur, and Burney, in Shasta County, California.

g. Filed Pursuant to: Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. Applicant Contact: Jim Holeman, Project Manager, Pacific Gas & Electric Company, Mail Code N11D, P.O. Box 770000, San Francisco, CA 94177, (415) 973–6891.

i. FERC Contact: Mr. Michael Henry, (503) 326–5858 ext. 224.

j. Deadline for comments: see attached paragraph D10.

k. Status of Environmental Analysis: This application is ready for environmental analysis at this time—see attached paragraph D10.

l. Description of Project: The project as licensed consists of: (1) A 15-foot-high concrete diversion structure, with a normal maximum water surfaceelevation of 3,305.1 feet, on the Fall River forming a small impoundment; (2) a 40-foot-high earthen dam, with a normal maximum water surface elevation of 3,304.8 feet, on the Fall River forming a 222-acre forebay impoundment; (3) an intake structure on each impoundment; (4) a 1,200-foot-long canal carrying water from each intake structure to a tunnel; (5) the 10,076-foot-long, 14-foot-high tunnel; (6) two 1,372-foot-long penstocks, with an inside diameter that varies from 10 feet 9 inches at the upper end to 8 feet at the lower end; (7) a powerhouse containing two generating units with a total installed capacity of 61 megawatts; (8) a 1,150-foot-long concrete and unlined tailrace canal returning water to the Pit River; and (9) appurtenant facilities.

m. Available Locations of Application: A copy of the application, as amended and supplemented, is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE., Washington, DC 20426, or by calling (202) 208–1371. A copy is also available for inspection and reproduction at the offices of Pacific Gas & Electric Company (see address above).

8 a. Type of filing: Notice of Intent to File An Application for a New License.

b. Project No.: 2312.

c. Date filed: March 28, 1997.

d. Submitted By: James River Paper Company, Inc., current licensee.

e. Name of Project: Great Works.

f. Location: On the West Branch of the Penobscot River, in the Town of Old Town, Penobscot County, Maine.

g. Filed Pursuant to: Section 15 of the Federal Power Act, 18 CFR 16.6 of the Commission's regulations.

h. Effective date of current license: April 1, 1962.

i. Expiration date of current license: March 31, 2002.

j. The project consists of: (1) A 20-foot-high, 777-foot-long rock-filled log and plank dam with a 225-foot-long concrete and stone capped wing-section; (2) a reservoir; (3) a fishway; (4) a log sluice; (5) a spillway; (6) eleven operating sluice gates; (7) a powerhouse having eleven generating units with a total installed capacity of 7,655-kW; and (8) appurtenant facilities;

k. Pursuant to 18 CFR 16.7, information on the project is available at: James River Paper Company, Inc., Contact: Stan Higgins, Human Resources Office—Jameson Street, Old Town, Maine 04468, (207) 827–0620.

l. FERC contact: Charles T. Raabe (202) 219–2811.

m. Pursuant to 18 CFR 16.8, 16.9, and 16.10 each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by March 31, 2000.

Standard Paragraphs

A5. Preliminary Permit—Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

A7. Preliminary Permit—Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

A9. Notice of Intent—A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development

application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

A10. Proposed Scope of Studies under Permit—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''Comments'', ''Notice of Intent to File Competing Application'', ''Competing Application'', ''Protest'', ''Motion to Intervene'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''Comments'', ''Recommendations for Terms and Conditions'', ''Protest'', or ''Motion to Intervene'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

D10. Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice (June 10, 1997 for Project No. 2687–014). All reply comments must be filed with the Commission within 105 days from the date of this notice (July 25, 1997 for Project No. 2687–014).

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''Comments'', ''Reply Comments'', ''Recommendations,'' ''Terms and Conditions,'' or ''Prescriptions;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

Dated: April 18, 1997, Washington, DC.

Lois D. Cashell,

Secretary.

[FR Doc. 97–10716 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Establishment of Performance Review Board: Names of Board Members

April 21, 1997.

Section 4314(c) of Title 5, United States Code requires that the Federal Energy Regulatory Commission (FERC) establish one or more Performance Review Boards to review, evaluate, and make final recommendations on performance appraisals assigned to members of the Senior Executive Service in the Commission. The Performance Review Board also makes written recommendations to the FERC Chair regarding Senior Executive Service performance bonuses, awards and performance-related activities.

Section 4314(c) of Title 5, United States Code requires that notices of appointment of Performance Review Board members be published in the **Federal Register**. The following persons have been appointed to serve on the Performance Review Board standing register for the Federal Energy Regulatory Commission:

Shelton M. Cannon
Kevin P. Madden
Christie L. McGue
Richard P. O'Neill
Rebecca F. Schaffer
Susan Tomasky

Lois D. Cashell,

Secretary.

[FR Doc. 97–10688 Filed 4–24–97; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5479–6]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 7, 1997 through April 11, 1997 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in the **Federal Register** dated April 4, 1997 (62 FR 16154).

Draft EISs

ERP No. D–DOE–L91001–ID Rating EC2, Nez Perce Tribal Hatchery Program, Implementation, Restore Chenook Salmon to the Clearwater River Subbasin, Snake River, Idaho.

Summary: EPA expressed environmental concerns based on the potential for adverse impacts to existing fisheries resources. EPA had requested additional information on fisheries impacts, mitigation and monitoring.

ERP No. D–FAA–E51044–NC Rating EC2, Initial Development of the North Carolina Global TransPark (NCGTP) Complex, Implementation, Airport Layout Plan Approval, COE Section 404 Permit, Kinston, Lenoir County, NC.

Summary: EPA expressed environmental concerns regarding the sequencing of wetland mitigation and hydrologic restoration of Dove Bay.

ERP No. D–FHW–F40373–WI Rating EO2, Milwaukee East-West Corridor, Transportation Improvements, Major Investment Study, IH–43 and Hampton Avenue to downtown Milwaukee and along IH–94 to WI–16, Funding, U.S. Coast Guard and COE Section 404 Permits, Milwaukee and Waukesha Counties, WI.

Summary: EPA continued to have environmental objection to the potential conversion of parkland and other valuable acreage to light rail which may increase commute time.

ERP No. D–FHW–K50011–CA Rating EC2, Carquinez Bridge Project, Replace/Retrofit the westbound I–80 between Cummings Skyway and CA–29, U.S. Coast Guard and COE Section 10 and 404 Permits, Contra Costa and Solano Counties, CA.

Summary: EPA expressed environmental concerns regarding potential impacts to water quality and worker health and safety from lead-based paint on the 1927 bridge which is proposed for removal or retrofitting. These issues were not discussed in the draft EIS, nor were appropriate lead-based paint mitigation measures proposed.

ERP No. D–FTA–C54007–NJ Rating EC2, Newark-Elizabeth Rail Link (NERL) Study Corridor, Transportation Improvements, Light Rail Transit (LRT), Essex and Union Counties, NJ.

Summary: EPA expressed environmental concerns about impacts to air quality and requests that additional information regarding air quality and environmental justice be presented in the final EIS.

ERP No. D–FTA–G40143–TX Rating LO, North Central Corridor Light Rail Transit (LRT) Extension, Transportation Improvements, Funding, NPDES Permit and COE Section 404 Permit, Dallas and Collin Counties, TX.

Summary: EPA had no objection to the selection of the Locally Preferred Alternative. EPA requests that the mitigation measures discussed in the draft EIS be given equal consideration in the implementation of the LPA.

ERP No. D–USN–D11026–PA Rating EC2, Naval Air Warfare Center Aircraft Division (NAWCAD) Warminster, Disposal and Reuse, Bucks County, PA.

Summary: EPA expressed environmental concerns and requested additional information with regard to the Navy's actions, intentions, and responsibility for correcting existing problems before and after reuse in terms of water supply and groundwater. EPA also expressed concern with the cumulative impacts associated with increases in traffic volume, air quality, and noise impacts on the neighboring communities as a result of the Reuse Plan.

ERP No. DS–USN–C10003–00 Rating EC2, Relocatable Over the Horizon Radar (ROTHR) System Construction and Operation, New and Updated Information on Fort Allen as Potential Site, Commonwealth of Puerto Rico and Chesapeake, VA.

Summary: EPA expressed environmental concerns and requested additional information regarding wetlands delineation and impacts, indirect impacts, radio frequency, radiation exposure, and ongoing contamination investigations and site remediation.

Final EISs

ERP No. F–FTA–K40208–CA, South Sacramento Corridor, Transit Improvements, Funding, Sacramento, Yolo, EL Dorado and Placer Counties, CA.

Summary: Review of the Final EIS was not deemed necessary. No formal comment letter was sent to the preparing agency.

ERP No. F–USN–E11037–FL, Programmatic EIS—Mayport Naval Station, Evaluation of Facilities Development Necessary to Support Potential Aircraft Carrier Homeporting, Duval County, FL.

Summary: EPA expressed environmental concern regarding the use of the Jacksonville offshore disposal site for dredged material.

ERP No. F–USN–K11070–CA, Naval Station Long Beach Disposal and Reuse, Implementation, COE Section 10 and 404 Permits Issuance and Possible NPDES Permit Issuance, Los Angeles County, CA.

Summary: EPA expressed environmental concerns on project segmentation and insufficient cumulative impacts analysis, in particular, cumulative air quality effects.

Dated: April 22, 1997.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–10767 Filed 4–24–97; 8:45 am]

BILLING CODE: 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–5479–5]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or (202) 564–7153.

Weekly receipt of Environmental Impact Statements Filed April 14, 1997 Through April 18, 1997 Pursuant to 40 CFR 1506.9.

EIS No. 970140, Final EIS, NPS, CA, Santa Rosa Island Resources Management Plan, Improvements of Water Quality and Conservation of Rare Species and their Habitats, Channel Islands National Park, Santa Barbara County, CA, Due: May 27, 1997, Contact: Alan Schmierer (415) 427–1441.

EIS No. 970141, Final Supplement, AFS, CO, Stevens Gulch Road Extension and Related Timber Sales, Implementation, New Information and Changed Circumstances Related to the Proposed Action, Grand Mesa, Uncompahgre and Gunnison National Forests, Delta County, CO, Due: May 27, 1997, Contact: Carol McKenzie (970) 874–6618.

EIS No. 970142, Draft EIS, RUS, KY, City of Albany's Cagle Water

Expansion Project, To Expand its Potable Water Treatment Plant, Funding and COE Section 404 Permit, Clinton and Wayne Counties, KY, Due: June 09, 1997, Contact: Mark Plank (202) 720–1649.

EIS No. 970143, Draft EIS, USN, FL, Cecil Field Naval Air Station Disposal and Reuse, Implementation, City of Jacksonville, Duval and Clay Counties, FL, Due: June 09, 1997, Contact: Robert Teague (803) 820–5785.

EIS No. 970144, Final EIS, AFS, ID, St. Joe Noxious Weed Control Project, Implementation, St. Maries River, St. Joe River and Little North Fork Clearwater River, Benewah, Shoshone and Latah Counties, ID, Due: May 27, 1997, Contact: Mary Laws (208) 245–4517.

EIS No. 970145, Draft EIS, AFS, MT, Lost Trail Ski Area Expansion Project, Implementation, New Master Development Plan, Bitterroot National Forest, Sula Ranger District, Ravalli County, MT, Due: June 09, 1997, Contact: Gina Owens (406) 821–3201.

EIS No. 970146, Final EIS, AFS, MT, Basin Creek Drainage, Salvage Timber and Watershed Rehabilitation, Kootenai National Forest, Three Rivers Ranger District, Lincoln County, MT, Due: May 27, 1997, Contact: Jeanne Higgins (406) 295–4693.

EIS No. 970147, Final EIS, AFS, UT, Alta Ski Area Master Development Plan Update Approval, Special-Use-Permit and COE Permits Issuance, Wasatch-Cache National Forest, Salt Lake Ranger District, Salt Lake County, UT, Due: May 27, 1997, Contact: Robert Cruz (801) 943–9483.

EIS No. 970148, Final EIS, COE, VA, Vint Hill Farms Station Disposal and Reuse, Implementation, Fauquier and Prince William Counties, VA, Due: May 27, 1997, Contact: Susan Rees (334) 694–4141.

EIS No. 970149, Draft EIS, FHW, AR, TX, US 71 Highway Improvement Project, between Texarkana, (US71) Arkansas and DeQueen, Funding, Right-of-Way Approval and COE Section 404 Permit, Little River, Miller and Sevier Counties, AR and Bowie County, TX, Due: June 09, 1997, Contact: Carl G. Kraehmer (501) 324–5309.

EIS No. 970150, Final EIS, NCP, DC, New Washington Convention Center, Construction and Operation, Possible Sites are Mount Vernon Square and Northeast No. 1, Washington Convention Center Authority, Washington, DC, Due: May 27, 1997, Contact: Reginald Griffith (202) 724–0174.

EIS No. 970151, Draft EIS, FRC, MA, NH, ME, Portland Natural Gas Transmission System (PNCTS)/ Maritimes Phase I Joint Facilities Project, NPDES Permit, COE Section 10 and 404 Permits, Dracut, MA; Wells, ME and NH, Due: June 09, 1997, Contact: Paul McKee (202) 208–1088.

Amended Notices

EIS No. 970041, Draft EIS, AFS, FL, Florida National Forests, Revised Land and Resource Management Plan, Implementation, Apalachicola, Choctowhatchee, Ocala and Osceola National Forests, Several Counties, FL, Due: June 06, 1997, Contact: Karl P. Siderits (904) 942–9300. Published FR 02–07–97—Review Period extended.

Dated: April 22, 1997.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 97–10768 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–U

Environmental Protection Agency

[FRL–5817–2]

Science Advisory Board; Notification of Public Advisory Committee Meeting May 13–15, 1997

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the Ecological Processes and Effects Committee (EPEC) of the Science Advisory Board (SAB) will meet on May 13–15, 1997, in Room 2103 of the EPA Waterside Mall Complex, 401 M Street, SW., Washington, DC 20460. The meeting will begin at 9:00 a.m. eastern time and end no later than 5:00 p.m. eastern time each day. The meeting will be open to the public and seating will be on a first-come, first-served basis. Members of the public should use the EPA entrance next to the Safeway Store, and sign in with the guard desk on the second floor. The purpose of the meeting is to: (1) Engage in a consultation with the Agency on a proposal to develop a sediment quality criterion for PAH mixtures; (2) review the Superfund ecotox thresholds for water and sediment; (3) review the research strategy and research plan for the Agency's Environmental Monitoring and Assessment Program (EMAP); and (4) prepare an advisory on Phase II of the Agency's National Watershed Assessment Project.

Additional Information: For additional information on the meeting, including a draft agenda, contact Ms. Wanda R. Fields, SAB Committee Operations Staff, at FAX 202–260–7118 or via the Internet at Fields.Wanda@epamail.epa.gov. Documents that are the subject of SAB reviews are normally available from the originating EPA office and are *not* available from the SAB Office. To request copies of background materials provided to the Committee, contact the appropriate Agency staff, as indicated: (1) Consultation on PAH Mixtures Criterion—Heidi Bell, Office of Water, (202) 260–5464; (2) Superfund Ecotox Thresholds—Steve Ells, Office of Emergency and Remedial Response, (703) 603–8822, or via the EPA Home Page (at http://www.epa.gov/superfund/); (3) Environmental Monitoring and Assessment Program—Gil Veith, EPA National Health and Environmental Effects Research Laboratory, (919) 541–4130; and (4) National Watershed Assessment Project—Lynda Buie, Assessment and Watershed Protection Division, (202) 260–7046.

Anyone wishing to make a brief oral presentation at the meeting must contact Ms. Stephanie Sanzone, Designated Federal Official for EPEC, no later than 4:00 p.m. on May 7, 1997, at (202) 260–6557, fax (202) 260–7118, or via the Internet at sanzone.stephanie@epamail.epa.gov. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 35 copies of any written comments to the Committee are to be given to Ms. Sanzone no later than the time of the presentation for distribution to the Committee and the interested public. See below for additional information on providing comments to the SAB.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes. For conference call meetings, opportunities for oral comment will be limited to no more than five minutes per speaker and no more than fifteen minutes total. Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date, may be mailed to the relevant SAB committee or subcommittee prior to its meeting; comments received too close to the meeting date will normally be provided

to the committee at its meeting. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Information concerning the Science Advisory Board, its structure, function, and composition, may be found in *The FY1996 Annual Report of the Staff Director* which is available from the SAB Committee Evaluation and Support Staff (CESS) by contacting US EPA, Science Advisory Board (1400), Attention: CESS, 401 M Street, SW., Washington, DC 20460 or via fax (202) 260–1889. Additional information concerning the SAB can be found on the SAB Home Page at: http://www.epa.gov/science1/.

Dated: April 17, 1997.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 97–10706 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5817–4]

Proposed Settlement Pursuant to Section 122(g) of the Comprehensive Environmental Response, Compensation, and Liability Act

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed administrative settlement and opportunity for public comment.

SUMMARY: In accordance with Section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (''CERCLA''), 42 U.S.C. 9622(i), the U.S. Environmental Protection Agency (''EPA''), Region II, announces two proposed administrative *de minimis* settlements pursuant to Section 122(g)(4) of CERCLA, 42 U.S.C. 9622(g)(4), relating to the Sealand Restoration Superfund Site (''Site''). The Site is located on Pray Road in the Town of Lisbon, St. Lawrence County, New York. This notice is being published pursuant to Section 122(i) of CERCLA to inform the public of the proposed settlements and of the opportunity to comment. EPA will consider any comments received during the comment period and may withdraw or withhold consent to the proposed settlements if comments disclose facts or considerations which indicate that the proposed settlements are inappropriate, improper, or inadequate.

The proposed administrative settlements have been memorialized in two Administrative Orders on Consent, one between EPA and forty-four private entities (''Private Respondents'') (Administrative Order on Consent, Index Number CERCLA–96–0205), and a second between EPA and the United States Coast Guard (Administrative Order on Consent, Index Number CERCLA–96–0205–A). These Orders will become effective after the close of the public comment period, unless comments received disclose facts or considerations which indicate that either Agreement is inappropriate, improper, or inadequate, and EPA, in accordance with Section 122(i)(3) of CERCLA, modifies or withdraws its consent to either or both Agreements. Under the Orders, the Private Respondents and the U.S. Coast Guard will be obligated to make payments to the Hazardous Substance Superfund in reimbursement of EPA's response costs relating to the Site, plus a premium, based on documented volumes of substances in EPA's records associated with the Site, totaling $412, 237.

Pursuant to CERCLA Section 122(h)(1), the Orders may not be issued without the prior written approval of the Attorney General or her designee. In accordance with that requirement, the Attorney General or her designee has approved the proposed administrative orders in writing.

DATES: Comments must be provided on or before May 27, 1997.

ADDRESSES: Comments should be addressed to the U.S. Environmental Protection Agency, Office of Regional Counsel, New York/Caribbean Superfund Branch, 17th Floor, 290 Broadway, New York, New York 10007–1866, and should refer to: ''Sealand Restoration Superfund Site, U.S. EPA Index No. CERCLA–96–0205''. For a copy of the settlement document, contact the individual listed below.

FOR FURTHER INFORMATION CONTACT: James Doyle, Assistant Regional Counsel, New York/Caribbean Superfund Branch, Office of Regional Counsel, U.S. Environmental Protection Agency, 17th Floor, 290 Broadway, New York, New York 10007. Telephone: (212) 637–3165.

Dated: April 2, 1997.

William J. Muszynski,

Acting Regional Administrator.

[FR Doc. 97–10705 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–42008K; FRL 5712–4]

Testing For Unsubstituted Phenylenediamines; Request to Delete Triggered Flow-Through Fish Early Life Stage Study on P-Phenylenediamine

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Comment.

SUMMARY: This notice invites public comment on the request of E.I. DuPont Nemours Co., to delete as unnecessary a triggered flow-through fish early life stage study for *p*-phenylenediamine (*p*-pda)(CAS No. 106–50–3) currently required under the TSCA section 4 test rule for unsubstituted phenylenediamines (OPTS–42008F).

DATES: Written comments must be submitted on or before May 27, 1997.

ADDRESSES: Each comment must bear the docket control number OPPTS–42008G. All comments should be sent in triplicate to: TSCA Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Room G–099, East Tower, Washington, DC 20460. Persons submitting information any portion of which they believe is entitled to treatment as confidential business information (CBI) by EPA must assert a confidentiality claim in accordance with 40 CFR 2.203(b) for each such portion. This claim must be made at the time that the information is submitted to EPA. If a submitter does not assert a confidentiality claim at the time of submission, EPA will treat the information as non-confidential and may make it available to the public without further notice to the submitter. Three sanitized copies of any comments containing information claimed as CBI must also be submitted and will be placed in the public record for this action.

Comments and data may also be submitted electronically by following the instructions under ''SUPPLEMENTARY INFORMATION''. No CBI should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Rm. ET–543B, USEPA, 401 M St., SW., Washington, DC 20460; telephone: (202) 554–1404, TDD: (202) 554–0551; e-mail: TSCA-Hotline@epamail.epa.gov. For specific information regarding this notice

contact Keith Cronin, Project Manager, Chemical Control Division (7405), Office of Pollution Prevention and Toxics, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–8157 fax: (202) 260–1096; e-mail: cronin.keith@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 30, 1989, EPA issued a final test rule requiring testing of three phenylenediamine isomers, *o*-pda, *m*-pda, and *p*-pda (54 FR 49285, November 30, 1989). The rule required specific aquatic acute toxicity testing and, depending on the results of that testing, further testing for chronic toxicity (a fish early life stage test). EPA notified E.I. DuPont Nemours Co. by letter on August 12, 1992 that based on its review, the acute testing data submitted triggered the fish early life stage testing for *p*-pda. DuPont questioned EPA's conclusions concerning the requirements for triggering chronic testing, challenged the usefulness of the triggered chronic testing for *p*-pda, and requested that EPA delete the requirement for the triggered flow-through fish early life stage test for *p*-pda. DuPont also claimed that completing this requirement would not yield any additional information as the half-life of the chemical is very short.

EPA has reviewed DuPont's request and now agrees with its assessment that the chronic toxicity testing required should be revoked. The decision to not require chronic toxicity testing is based on *p*-pda's very short half-life in water (115 minutes) and the data from the Toxic Release Inventory indicating that the environmental exposure to *p*-pda is limited. From a risk perspective, *p*-pda does not appear to pose an unreasonable risk to aquatic life.

Under 40 CFR 790.55(b)(3), EPA may make changes that affect the scope of the test rule, but EPA must provide notice and an opportunity for comment before such changes become effective. Furthermore, if adverse comments are received, EPA will issue a proposed rule addressing this issue and will provide a 30 day period for public comment. Interested parties therefore have 30 days from publication of this notice to provide written comments on the elimination of the fish early life stage study for *p*-pda from the final rule on unsubstituted phenylenediamines. If the 30-day deadline passes and no adverse public comments have been received, EPA will grant the proposed modification without further notice.

The official record for this notice, as well as the public version, has been established for this notice under docket number [OPPTS–42008K] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ''ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at:

oppt.ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–42008K]. Electronic comments on this notice may be filed online at many Federal Depository Libraries.

Dated: April 18, 1997.

Charles M.Auer,

Director, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 97–10726 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5817–3]

Final General NPDES Permit for Concentrated Animal Feeding Operations (CAFO) in Idaho ID-G–01–0000

AGENCY: Environmental Protection Agency, Region 10.

ACTION: Notice of a final general permit.

SUMMARY: This general permit regulates CAFO activities in the state of Idaho. The permit establishes limitations, standards, prohibitions and other conditions for covered facilities. These conditions are based on existing national effluent guidelines and material contained in the administrative record. A description of the basis for the conditions and requirements of the proposed general permit was given in the fact sheet and changes to the proposed general permit are documented in the Response to Comments.

EFFECTIVE DATE: The general permit will become effective on May 27, 1997 and will expire on May 27, 2002.

FOR FURTHER INFORMATION CONTACT: Information requests may be made to Jeanette Carriveau at (206) 553–1214 or to Joe Roberto at (206) 553-1669. Requests may also be electronically mailed to:

CARRIVE-AU.JEANETTE@EPAMAIL.EPA.GOV

SUPPLEMENTARY INFORMATION: The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

Written request for coverage and authorization to discharge under the general permit shall be provided to EPA, Region 10, as described in Part I.D. of the permit. Authorization to discharge requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to the operation.

Regulatory Flexibility Act

After review of the facts presented in the notice printed above, I hereby certify pursuant to the provision of 5 U.S.C. 605(b) that this general NPDES permit will not have a significant impact on a substantial number of small entities. Moreover, the permit reduces a significant administrative burden on regulated sources.

Dated: April 3, 1997.

Philip G. Millam,

Director, Office of Water, Region 10.

Response to Comments; General NPDES Permit Concentrated Animal Feeding Operation

On August 28, 1995, EPA, Region 10, issued a notice for a proposed National Pollutant Discharge Elimination System (NPDES) General Permit (GP) for Concentrated Animal Feeding Operations (CAFO) in Idaho (60 FR 44489, Monday, August 28, 1995). During the public notice period, comments were received from Idaho Fish and Game (IDF&G), Idaho Department of Health and Welfare Division of Environmental Quality (DEQ), Idaho Farm Bureau Federation (IFBF), Army Corps of Engineers, Idaho Dairymen's Association (IDA), Idaho Pork Producers Association (IPPA), J.R. Simplot Company (Simplot), and Idaho Cattle Association (ICA). Public Hearings were held in Boise, Idaho on September 27, 1995, and in Twin Falls, Idaho on September 28, 1995. This document directly responds to the significant comments pertaining to the GP, made in writing and at the Public Hearings.

1. *Comment:* The IDF&G commented that ''The draft permit does not mention the possibility of groundwater contamination, which would seem a high priority as a result of a CAFO.'' Commenter claims that this, especially, would be true considering the number of new dairies in certain areas, such as Jerome County. The commenter also claims the need to maintain high quality water in the springs along the Snake River because of the fish hatcheries and wild fish populations make it paramount that the present good quality groundwater be maintained. The commenter requests that a discussion on CAFO and groundwater contamination should be included in the permit.

Response: The EPA agrees that groundwater contamination is a concern around CAFO facilities. However, the Clean Water Act does not give EPA the authority to regulate groundwater quality through NPDES permits.

The only situation in which groundwater may be affected by the NPDES program is when a discharge of pollutants to surface waters can be proven to be via groundwater. The GP already addresses this situation by requiring that lagoons be designed in accordance with Soil Conservation Service Technical Note 716.

2. *Comment:* Simplot and the ICA request that EPA delete the references to groundwater in parts II.C.2. and VII.L. and M. of the proposed permit. They claim that the Clean Water Act does not give EPA the authority to regulate groundwater through NPDES permits.

Response: As in the response to comment #1 above, the EPA agrees that the Clean Water Act does not give EPA the authority to regulate groundwater quality through NPDES permits. However, the permit requirements established in parts II.C.2. and VII.L. and M. of the proposed permit are not intended to regulate groundwater. Rather, they are intended to protect surface waters which are contaminated via a groundwater (subsurface) connection.

As mentioned in the fact sheet to the GP, this determination is supported by the following decisions:

—*Leslie Salt Co.* v. *United States*, 896 F.2d 354, 358 (9th Cir. 1990) (CWA jurisdiction existed over salt flat even though hydrologic connection between salt flat and navigable waters was man-made).

—*Washington Wilderness Coalition* v. *Hecla Mining*, 870 F. Supp 983 (E.D. Wash 1994) (Point source discharge of pollutants to surface waters of the United States, either directly or through groundwater, is subject to regulation by NPDES permit).

—*Sierra Club* v. *Colorado Refining Co.*, Civ. No. CIV.A.93–K–1713 (D. Col. Dec. 8, 1993) (''[The] Clean Water Act's preclusion of the discharge of any pollutant into 'navigable waters' includes such discharge which reaches 'navigable waters' through groundwater.'');

—*McClellan Ecological Seepage* v. *Weinberger*, 707 F. Supp. 1182, 1194 (E.D. Cal. 1988) (where hydrologic connection exists between groundwater and surface waters, NPDES permit may be required);

3. *Comment:* The IDF&G recommends that, in addition to fencing, the Best Management Practices portion of the GP be expanded to include such things as filter strips, straw bales, etc.

Response: The purpose of including fencing in the GP is to restrict animal access, within the CAFO boundary, to receiving waters, without which the ''no discharge'' requirement could not be achieved. While it is desirable to include filter strips and straw bales, these may or may not be necessary to achieve the ''no discharge'' requirement. However, it is the responsibility of the permittee to incorporate whatever best management practice is necessary to achieve the ''no discharge'' requirement.

4. *Comment:* The GP requires that the permittee notify the EPA verbally within 24 hours after a discharge. The IDF&G recommends that this language be changed so that immediate notification is mandatory.

Response: EPA agrees that immediate notification is preferred. However, this provision is consistent with 40 CFR 122.41(l)(6). Therefore, this provision will not be modified.

5. *Comment:* The IDF&G comments that concentrated duck feeding operations established prior to 1974 are exempt from regulations. The commenter claims that this regulation appears to be protecting a special interest party or group and should be deleted and that all operations should be covered without favoritism toward any one special group or operation.

Response: EPA disagrees with this assessment of the CAFO GP. This permit does not exempt the duck feeding operations established prior to 1974 from meeting regulations. Rather, it states that such operations will not be covered under this particular permit. This does not imply that they are exempt from regulation.

As mentioned in section III.C. in the fact sheet, ''EPA's regulations do authorize the issuance of ''general permits'' to categories of discharges (40 CFR 122.28) when a number of point sources are:

a. Located within the same geographic area and warrant similar pollution control measures;

b. Involve the same or substantially similar types of operations;

c. Discharge the same types of waste;

d. Require the same effluent limitations or operating conditions;

e. Require the same or similar monitoring requirements; and

f. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.''

In other words, this CAFO general permit would not be appropriate to cover CAFOs and electroplating operations (for example) because they are substantially different operations. The fact that we do not cover electroplating operations in this permit does not exempt electroplaters from regulation. It just means they are not covered by this particular permit and must obtain coverage under another permit.

The CAFO GP is not applicable for concentrated duck feeding operations established prior to 1974 because the requirements (established in 40 CFR 412 Subpart B) for such operations are substantially different. Unlike the duck feeding operations established after 1974, the duck feeding operations established prior to 1974 are allowed to have a discharge which must meet certain biochemical oxygen demand and fecal coliform levels. This GP is designed for facilities which are required to achieve ''no discharge.''

Again, not covering duck feeding operations established prior to 1974 under this permit does not exempt them from regulation. They are just not covered under this particular permit.

6. *Comment:* One of the criteria used in determining whether an animal feeding operation is a CAFO is the number of animals confined at the facility. The IDF&G expressed concerns regarding this criteria. The commenter claims that there are a number of instances when a single cattle operator has purposely kept slightly less than 200 mature dairy cattle because this number of dairy cows would not be considered a CAFO. In very close proximity this same operator keeps another group of less than 200 dairy cattle. IDF&G claims that by operating in this manner, an operator is able to circumvent the CAFO regulations. As a result, the commenter recommends that the number of animals required to be considered a CAFO be reduced.

Response: The regulations (40 CFR 122 Appendix B) specify the number of animal units that a facility must confine to be considered a CAFO. Therefore, the

agency cannot arbitrarily select a lower number for use in this permit.

The EPA agrees that there may be situations, as described by the commenter, where a facility may divide its animals into smaller farms to circumvent the regulations. The regulations have accounted for this. In 40 CFR 122.23(b)(2), it states that ''Two or more animal feeding operations under common ownership are considered, for the purposes of these regulations, to be a single animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of wastes.''

In addition, even though a facility has fewer than the number of animals necessary to be considered a CAFO, 40 CFR 122.23(c) allows for the designation as a CAFO for any size facility on a case-by-case basis. This allows the flexibility to regulate smaller problem facilities which are determined to be significant contributors of pollutants.

7. *Comment:* Part II.A.2. of the draft permit states that control facilities must also be designed to contain the 25-year, 24-hour storm event. The DEQ inquires as to who will classify actual duration and intensity of the rainfall event should enforcement be required.

Response: Rainfall intensity information for a particular area can be obtained from the National Weather Service.

8. *Comment:* DEQ commented on the capacity of a waste holding facility to contain contaminated water accumulated over the winter. The commenter states that it should be noted that some geographical areas may require facilities to collect wastewater longer than four months which may result in larger holding capacities.

Response: The purpose of this requirement is to assure that water quality is not violated during the winter months. The reason for concern is the land application of wastewater onto frozen ground is likely to result in runoff into waters of the United States because of its low water holding capacity.

The EPA agrees there are areas in Idaho where the climate is such that fields are frozen for longer than four months. If these fields are located such that there is a potential for runoff, wastewater should not be applied.

The permit takes these site specific factors into account by allowing the use of the one-in-five-year winter precipitation amount when calculating the lagoon volume.

9. *Comment:* The IFBF recommends that Part V.C. of the draft permit (Need to Halt or Reduce Activity not a Defense) be eliminated from the permit.

Response: This provision of the permit is required pursuant to 40 CFR 122.41(c). Therefore, this request is denied.

10. *Comment:* The IFBF and IDA recommend that Part VI.D. of the draft permit (Duty to Provide Information) be eliminated from the permit. In addition, the IDA claims that this language is too broad.

Response: This provision of the permit is required pursuant to 40 CFR 122.41(h). Therefore, this part of the permit will not be modified or deleted.

11. *Comment:* The IFBF recommends that Part VI.I. of the draft permit (Property Rights) be eliminated from the permit.

Response: This provision of the permit is required pursuant to 40 CFR 122.41(g). Therefore, this request is denied.

12. *Comment:* The IFBF objects to the last sentence in part VII.E. of the permit. The commenter claims that giving the director the authority to establish other animal unit factors for animal types not listed in part VII.E. is lacking the safeguards afforded every other group. They recommend a language change to allow for proper notification and hearings prior to establishing these animal unit factors.

Response: Based on further review of available information, EPA has decided to delete this language. EPA regulations provide that animal feeding operations with animal types other than those identified in 40 CFR 122 Appendix B may be designated a CAFO on a case-by-case basis in accordance with 40 CFR 122.23(c).

13. *Comment:* The Army Corps of Engineers commented that the draft NPDES permit limits wastewater discharges by requiring containment of the discharge into constructed sedimentation ponds. The commenter states that if these sedimentation ponds or other methods to contain the wastewater discharge will involve the discharge of fill material into waters of the United States, including wetlands, a Department of the Army Permit will be required. The commenter requests that in such situations the owner of the concentrated animal feeding operation should contact the Department of the Army for permit requirements.

Response: EPA agrees that if fill material is or will be discharged into waters of the United States that the Department of the Army should be contacted for information on their permitting requirements.

14. *Comment:* The IDA objects to the language in Parts II.A.3.a. and b. of the permit. The commenter states that ''The addition of these elements into the minimum requirements for wastewater control facilities will substantially increase the cost of dairy operations without a demonstrated commensurate benefit to water quality protection. Additionally, the commenter states that the requirements contained in these parts are not found in the CAFO regulations under 40 CFR 122.23. Consequently, the requirements exceed the legal authority of EPA under its own implementing regulations.''

Response: The EPA agrees that the requirements established in Parts II.A.3.a. and b. of the permit are not found in 40 CFR 122.23. However, as mentioned in the fact sheet for the GP, these are not the only regulations which must be considered when developing NPDES permit requirements. These requirements are included in the permit to insure that State water quality standards are not exceeded as a result of CAFO discharges pursuant to Section 301(b)(1)(C) of the Clean Water Act.

Section 301(b)(1)(C) of the Clean Water Act states that * * * ''In order to carry out the objectives of the Act there shall be achieved not later than July 1, 1977, any more stringent limitation, including those necessary to meet water quality standards, treatment standards, or schedule of compliance, established pursuant to any State law or regulations, or any other Federal law or regulation, or required to implement any applicable water quality standard established pursuant to this Act.'' Note that this section of the Clean Water Act does not specify the consideration of economics when establishing limitations necessary to achieve water quality standards.

In addition to the above, the existing permit which was issued in 1987 incorporated these same requirements. In accordance with 40 CFR 122.44(l), limitations in reissued permits must be at least as stringent as the limitations in the previously issued permit. As a result, Parts II.A.3.a. and b. of the permit will not be modified.

15. *Comment:* The IDA objects to the language in part II.B.1. of the permit which specifies that plans and specifications for control facilities shall be submitted to the Idaho Department of Health and Welfare Division of Environmental Quality for review and approval prior to construction. The commenter claims that the review process of plans by DEQ conflicts with the Idaho Dairy Pollution Prevention Initiative Memorandum of Understanding which has been agreed to among DEQ, EPA, Idaho Department of Agriculture, and the IDA.

Response: The EPA agrees with this comment, with respect to dairy facilities, and will modify the permit to

reflect the roles and responsibilities established in the Memorandum of Understanding.

16. *Comment:* The IDA and the IPPA object to the inspection and entry language contained in part IV.D. of the permit. The IDA claims that this language is too broad and inclusive. The IPPA also states that this section of the permit should include more specific standards and circumstances for when and how inspections will occur.

Response: The inspection and entry provisions of the permit are consistent with 40 CFR 122.41(i). Therefore, this part of the permit will not be modified or deleted.

17. *Comment:* The IDA objects to the language in part VI.A. (Anticipated Noncompliance) of the permit. The commenter claims that this language will require the permittee to give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The commenter also claims this language is far too broad and would require a permittee to notify EPA of any possible changes in the dairy facilities or daily operations which might, hypothetically, result in noncompliance regardless of realistic probability.

Response: Part VI.A. of the permit is consistent with 40 CFR 122.41(l)(2). Therefore, this part of the permit will not be modified or deleted.

There appears to be some confusion, however, about what is required by this provision. Advance notice does not have to be given to EPA for every change at a facility. This language is designed to accommodate such conditions as when a dairy increases its herd size to the point where the amount of waste generated exceeds the design capacity of the waste collection system. However, if the herd size is increased and the waste management system is capable of handling the additional waste, it is not necessary to report this planned change to EPA.

18. *Comment:* The IDA objects to the language in part VI.F.4. of the permit which establishes the certification statement that the permittee must sign when submitting particular documents. The commenter only indicates that the certification statement is unacceptable in its present form. The commenter did not explain the rationale behind the concern nor was any alternative language presented.

Response: This certification statement is required pursuant to 40 CFR 122.22(d). Therefore, this part of the permit will not be modified or deleted.

19. *Comment:* The IDA objects to the language in Appendix C of the permit. The commenter objects to paragraph 5 which reads as follows:

> Name of the receiving water(s) to which wastewaters are (or may be) discharged from the facility (receiving waters include canals, laterals, rivers, streams, etc.).

The commenter objects to the portion which identifies canals and laterals as receiving waters.

Response: Canals and laterals which empty into (or connect with) waters of the United States such as rivers, streams, lakes, etc. are themselves waters of the United States in accordance with the definition of waters of the United States in 40 CFR 122.2(e). As a result, discharges into canals and laterals are considered point source discharges which must be regulated under the NPDES permitting program. This position is supported by the following:

—Order of Summary Determination of Liability in the matter of Luis Bettencourt, Docket #1093–04–17–309(g),
—*Bailey* v. *U.S. Corps of Engineers,* 647 F. Supp 44 at 48 (D. Ida. 1986),
—*U.S.* v. *Saint Bernard Parish,* 589 F. Supp 617 at 620 (E. D. La., 1984), and
—Town of Buckeye, Arizona, NPDES Opinion #67, November 11, 1977.

20. *Comment:* The ICA commented on part I.B. of the permit. The commenter claims that ''Runoff from corrals, stockpiled manure . . .'' is too broad a statement.

Response: The intent of this section is only to give examples of what constitutes a discharge. Therefore, this part of the permit will not be modified.

Any discharge from corrals or stockpiled manure is considered process wastewater. This includes any runoff from these areas caused by precipitation, watering system overflows or any other way in which contaminated runoff emanates from such areas. If this process wastewater makes its way into waters of the United States, this constitutes a discharge of process wastewater.

Note that the requirement in part II.A. of the permit is ''no discharge'' of process wastewater to waters of the United States except during certain precipitation events.

21. *Comment:* The ICA commented on part I.B. of the permit. They claim that ''silage piles'' appear to be beyond the scope of law.

Response: The silage piles in question are those associated with CAFO operations. Typically, these piles are located near confinement areas. The wastes emanating from these piles may include moisture from within the silage pile or runoff resulting from precipitation on the pile. Silage wastewater can have extremely high levels of BOD.

40 CFR 412.11 of the Feedlot Point Source Category defines process wastewater as ''. . . any precipitation (rain or snow) which comes into contact with any manure, litter or bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g. milk, eggs).'' Silage is used in the production of animals. As a result, wastewaters from these piles are included as process wastewater from a CAFO in accordance with 40 CFR 412.11.

In addition, 40 CFR 122.1(b)(1) states that ''The NPDES program requires permits for the discharge of pollutants from any point source into waters of the United States.'' CAFOs are a point source as defined in 40 CFR 122.1(b)(2). Any pollutants emanating from a silage pile associated with a CAFO is a discharge from a CAFO (or point source) which requires an NPDES permit for discharge.

22. *Comment:* The ICA commented on part II.C.3. of the permit. This provision of the permit prohibits the discharge or drainage of land applied wastes from land applied areas to waters of the United States. The commenter claims that this provision is a broad assumption of the interpretation of the Court ruling in Care vs. Southview Farm which spoke to a specific and unique situation which existed in that case.

Response: EPA will clarify this provision. The intent of this provision is to prohibit land application of wastewater which is applied at an excessive rate, i.e., in such a manner that it reaches waters of the United States. Therefore, the final permit is modified to reflect this intent.

23. *Comment:* The IPPA objects to section II.B.1. of the permit which references the Idaho State Waste Management Guidelines for Animal Feeding Operations: and the most recent edition of the Natural Resource Conservation Service (NRCS) National Handbook of Conservation Practices and associated State Addenda, SCS Technical Note #716. IPPA claims that because these documents have not been included as part of the necessary rule making process for the General Permit, they may not be used to establish legal standards for enforcement of the permit.

In addition, IPPA objects to EPA's reliance to these documents because of the moving target created by them. IPPA states that these documents can be modified at any time and that the EPA

has failed to identify a set point in time or other document description to ensure which version of the above documents applies to CAFOs.

Response: The documents referenced above have gone through the necessary steps to be included in this permit, including a 60 day comment period which was initiated by publication of the permit in the **Federal Register**. However, EPA agrees with the commenter that the version of the above documents should be specified in the permit. The final permit reflects the current documents.

24. *Comment:* The IPPA requests that EPA clarify the intent and applicability of part III.B. of the permit (Requiring an Individual Permit).

Response: Part III.B. of the permit is included for informational purposes only. A General Permit is a resource saving tool. As mentioned in section III.C. of the fact sheet, a General Permit is issued to categories of discharges when a number of point sources are:

a. Located within the same geographic area and warrant similar pollution control measures;

b. Involve the same or substantially similar types of operations;

c. Discharge the same types of waste;

d. Require the same effluent limitations or operating conditions;

e. Require the same or similar monitoring requirements; and

f. In the opinion of the Director, are more appropriately controlled under a general permit than under individual permits.

The purpose of Part III.B. of the permit is to point out that there are situations in which this permit is not appropriate. In such cases, the individual permit is an option. This part also identifies the procedures that must be followed if an individual permit is determined to be more appropriate or if a permittee requests to be covered by an individual permit.

25. *Comment:* The IPPA requests that within part V. of the permit (Compliance Responsibilities) a provision should be added so as to allow for good faith compliance and de minimis violations. The commenter claims that, as written, compliance is absolute and mandatory.

Response: Compliance Responsibility requirements in part V. of the permit are required pursuant to 40 CFR 122. There is no provision in this regulation concerning de minimis violations. Therefore, part V. of the permit will not be modified.

The significance of the violation, however, can be taken into consideration when determining the appropriate enforcement response by the agency.

26. *Comment:* IPPA objects to part VI.K. of the permit (State Laws). The commenter recognizes the responsibility of complying with both state and federal laws. However, the commenter claims that it is unfair to subject IPPA members to differing interpretations of the regulations from differing agencies. They request that, at a minimum, there should be one source where information can be obtained or questions answered.

Response: The EPA agrees that compliance must be achieved with both state and federal laws. However, EPA disagrees that there are differing interpretations of the laws and regulations from differing agencies. Rather, there are laws and regulations which establish differing roles and responsibilities for the state and federal government. For example, EPA is responsible for issuing NPDES permits in the state of Idaho. On the other hand, the state is responsible for establishing state water quality standards. Both of these tasks are required to regulate the CAFO industry.

Although it may be more convenient to establish one contact for CAFOs to deal with, the laws and regulations are currently written such that both the state and federal government have regulatory responsibilities. Therefore, part VI.K. will not be modified.

27. *Comment:* The IPPA objects to Appendix B of the permit which discusses Significant Contributors of Pollutants (SCP). The commenter claims that the SCP provisions are excessively broad such that operators are without notice of any legal standard under which this section applies. For example, this section simply allows EPA to consider ''other relevant factors.'' The commenter states that the determination of when to apply this provision cannot be made on an ad hoc basis and the EPA must apply the regulations in a uniform non-discriminatory basis. The commenter further states that this section should be rewritten to include specific criteria where an SCP can be made and restricted in its application by those criteria.

Response: The conditions in Appendix B of the permit are established pursuant to 40 CFR 122.23(c). Therefore, this part of the permit will not be modified.

28. *Comment:* Simplot and the ICA request that the language in parts I.B. and I.C.8. of the permit which pertains to runoff from land applied or irrigated fields and to waste application at agronomic rates be deleted. Simplot claims that it is EPA's responsibility to regulate point sources of pollution under the Clean Water Act. In addition, Simplot claims that the above identified sections of the permit are an attempt to regulate nonpoint source discharges and go beyond the authority of EPA as provided in the Clean Water Act.

The ICA stated that these sections are beyond the scope of the definition of a CAFO which refers to areas where animals are ''stabled, confined, fed or maintained.''

Response: See response to comment # 22 above. In addition, the language pertaining to agronomic rates will not be deleted from the permit. Rather, it will be modified to reflect the language suggested by to Division of Environmental Quality in the Section 401 Water Quality Certification, dated November 25, 1996.

29. Part I.C.3. of the permit has been modified to accurately reflect the requirements in 40 CFR 122.23(b)(1)(ii).

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) FOR CONCENTRATED ANIMAL FEEDING OPERATIONS (CAFO)

General Permit No.: IDG010000

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. 1251 *et seq.*, as amended by the Water Quality Act of 1987, Pub. L. 100–4, the ''Act'':

Owners and operators of CAFOs except those sites excluded from coverage in Part I of this NPDES permit, are authorized to discharge in accordance with effluent limitations, monitoring requirements, and other provisions set forth herein.

A COPY OF THIS GENERAL PERMIT MUST BE KEPT AT THE SITE OF THE CAFO AT ALL TIMES.

This permit will become effective May 27, 1997.

This permit and the authorization to discharge under the National Pollutant Discharge Elimination System shall expire on May 27, 2002.

Signed this 3rd day of April 1997.

Philip G. Millam,

Director, Office of Water.

Table of Contents

I. Permit Coverage

A. Who Needs to be Covered by this Permit?

A permit is required for discharges of process wastewater from all operations classified as a Concentrated Animal Feeding Operation (CAFO).

B. What Constitutes a Discharge?

This permit does not allow the discharge of process wastewater except in accordance with Part II.A. of this permit.

A discharge of process wastewater is the release of pollutants from a CAFO which enters surface waters such as a river, stream, creek, lake, or other waters of the United States. Process wastewaters include, but are not limited to, the following:

—Runoff from corrals, stock piled manure, and silage piles;
—Overflow from storage ponds; and
—Runoff from irrigated fields in which wastewater is applied at excessive rates which allow runoff of applied wastewater to enter waters of the United States.

C. How to Determine if Your Animal Feeding Operation is a CAFO?

Review the following questions to determine if your facility is a CAFO.

1. Do you operate a facility where animals are confined and fed or maintained?

If yes, proceed to next question. If no, your facility is not a CAFO.

2. Are animals confined and fed or maintained for a total of 45 days or more in any 12 month period?

If yes, proceed to next question. If no, your facility is not a CAFO.

3. Are any crops, vegetation forage growth, or post-harvest residues sustained in the normal growing season over any portion of the lot or facility?

If no, proceed to next question. If yes, your facility is not a CAFO.

4. Does your facility confine greater than the following number of animals:

—700 mature dairy cattle,
—1000 slaughter or feeder cattle, or
—1000 animal units (See Appendix A for details)?

If yes, your facility is a CAFO. If no, proceed to next question.

5. Does your facility confine the following number of animals:

—between 200 and 700 mature dairy cattle,
—between 300 and 1000 slaughter or feeder cattle, or
—between 300 and 1000 animal units (See Appendix A for details)?

If yes, proceed to question 7. If no, proceed to next question.

6. For facilities with less than the animals established in Question 5. above, have you been notified by EPA, after an inspection, that your facility has been designated a CAFO? See Appendix B for details on significant contributors of pollution.

If yes, your facility is a CAFO.

7. Does your facility discharge directly into rivers, streams, creeks or other waters of the United States?

If yes, your facility is a CAFO. If no, proceed to next question.

8. Does your facility discharge through a man-made device such as a pipe, ditch, or field overflow from land application, into a river, stream, creek or other waters of the United States?

If yes, your facility is a CAFO. If no, your facility is not a CAFO.

9. Have you been otherwise notified by EPA that your facility is a CAFO? If yes, your facility is a CAFO. (The Regulations state that ''the Director may designate any animal feeding operation as a CAFO upon determining that it is a significant contributor of pollution to the waters of the United States.'')

If you answered YES to questions 4, 6, 7, 8 or 9 above, your facility is a CAFO.

See Part VII. of this permit for more details on the definition of a CAFO.

D. Permit Coverage

1. Owners or operators of CAFOs must submit an application (also known as a Notice of Intent) to the Environmental Protection Agency (EPA) to obtain coverage under this permit. A list of information required for a complete application can be found in Appendix C of this permit.

2. The application shall be signed by the owner or other authorized person in accordance with Part VI.F. of this permit.

3. The application must be submitted to EPA at least 90 days prior to discharge. Coverage under this permit requires written notification from EPA that coverage has been granted and that a specific permit number has been assigned to the CAFO.

4. Signed copies of the application shall be sent to: U.S. EPA Region 10, OW–133 CAFO NOI, 1200 Sixth Avenue, Seattle, Washington 98101.

5. CAFOs in Idaho must also send a copy of the application to: Idaho State Division of Environmental Quality, 1410 N. Hilton, Boise, Idaho 83706–1255.

E. Permit Expiration

Coverage under this permit will expire five (5) years from the date of issuance.

II. Permit Requirements

A. Discharge Limitations

There shall be no discharge of process wastewater to waters of the United States except when precipitation events cause an overflow of process wastewater from a control facility properly designed, constructed, maintained, and operated to contain:

1. All process generated wastewater resulting from the operation of the CAFO (such as wash water, parlor water, watering system overflow, etc.); plus,

2. All the contaminated runoff from a 25-year, 24-hour rainfall event; plus,

3. a. Three inches of runoff from the accumulation of winter precipitation; or

b. The amount of runoff from the accumulation of precipitation from a one in five year winter.

B. Best Management Practice (BMP)

At a minimum, the management practices established in the Idaho State Waste Management Guidelines for Animal Feeding Operations and the BMPs listed below shall be

implemented to prevent contamination of waters of the United States:

1. Design of Control Facilities

All control facilities constructed after the issuance date of this permit or any existing control facility which is redesigned and modified in any way after the issuance of this permit shall be designed, constructed and maintained in accordance with the Idaho State Waste Management Guidelines for Animal Feeding Operations, 1993 and the Natural Resource Conservation Service (NRCS) National Handbook of Conservation Practices and associated State Addenda, SCS Technical Note #716, September 1993. Plans and specifications for control facilities (except those at dairy operations) shall be submitted to the Idaho Department of Health and Welfare Division of Environmental Quality (IDHW–DEQ) for review and approval prior to construction. Plans and specifications for control facilities at dairy operations shall be submitted to the Idaho Department of Agriculture for review and approval prior to construction.

2. Facility Expansion

CAFO operations shall not be expanded, either in size or numbers of animals, unless the waste handling procedures and structures are adequate to accommodate any additional wastes that will be generated by the expanded operations. Such expansion shall be consistent with the Idaho State Waste Management Guidelines for Animal Feeding Operations, 1993.

3. Chemical Handling

All wastes from dipping vats, pest and parasite control units, and other facilities utilized for the application of potentially hazardous or toxic chemicals shall be handled and disposed of in a manner such as to prevent any pollutants from entering the waters of the United States.

4. Access Restriction

No flowing surface waters (e.g. rivers, streams, or other waters of the United States) shall come into direct contact with the animals confined on the CAFO. Fences may be used to restrict such access.

5. Land Application

In order to ensure protection of groundwater from nutrient contamination, the land application rates, of both process wastewater and manure, will be applied at recommended agronomic rates for the crop(s) grown on the land application site(s).

6. Emergency Operation and Maintenance

It shall be considered ''Proper Operation and Maintenance'' for a control facility which has been properly maintained and is otherwise in compliance with the permit, and that is in danger of imminent overflow due to chronic or catastrophic rainfall, to discharge process wastewaters to land application sites for filtering. The volume discharged during such an event shall be limited to that amount reasonably expected to overflow from the waste storage pond. Such discharges shall be reported to EPA in accordance with Part IV of the permit.

C. Prohibitions

1. The discharge of any materials or substance other than process wastewater is strictly prohibited by this permit.

2. Discharges of process wastewaters to waters of the United States by means of a hydrologic connection is prohibited.

3. The discharge or drainage of land applied wastes (solid or liquid) from land applied areas to waters of the United States is prohibited. This includes discharges of land applied wastes from land applied areas, regardless of whether such discharges occur on rainy days, where rain is not the sole cause of the discharge.

D. Discharge Monitoring and Notification

If, for any reason, there is a discharge to a water of the United States, the permittee is required to monitor and report as established in Part IV. of this permit.

Discharge flow and volume from a CAFO may be estimated if measurement is impracticable.

III. Limitations of the General Permit

A. Limitations on Coverage

The following CAFOs are not covered by this permit:

1. CAFOs which have been notified by the Director to file for an individual permit in accordance with Part III.B. of this permit.

2. CAFOs that discharge all process wastewater to a publicly owned sanitary sewer system which operates in accordance with an NPDES permit.

3. Concentrated Duck feeding operations established prior to 1974.

B. Requiring an Individual Permit

1. The Director may require any person authorized by this permit to apply for and obtain an individual NPDES permit. The Director will notify the owner or operator in writing that an individual permit application is required. If an owner or operator fails to submit the permit application by the date specified in the Director's written notification, then coverage by this general permit is automatically terminated.

2. Any owner or operator covered by this permit may request to be excluded from the permit coverage by applying for an individual permit. The owner or operator shall submit an individual application (Form 1 and Form 2B) to the Director with reasons supporting the request.

3. When an individual NPDES permit is issued to an owner or operator otherwise covered by this permit, coverage by this permit is automatically terminated on the effective date of the individual permit.

4. When an individual NPDES permit is denied to an owner or operator otherwise covered by this permit, coverage by this permit is automatically reinstated on the date of such denial, unless otherwise specified by the Director.

IV. Monitoring, Reporting and Recording Requirements

A. When to Report?

If, for any reason, there is a discharge to a water of the United States, the permittee is required to:

1. Verbally notify the EPA of the discharge at (206) 553–1846 within 24 hours, and

2. Notify the EPA and the State of the discharge in writing within 5 days of the discharge. Written notification shall be sent to the addresses identified in Part I.D. of this permit.

B. What to Report?

The information required for notification shall include:

1. A description and cause of the discharge, including a description of the flow path to the receiving water body. Also, an estimation of the duration of the flow and volume discharged.

2. The dates and times of the discharge, and, if not corrected, the anticipated time the discharge is expected to continue, as well as procedures implemented to prevent the recurrence of the discharge.

3. If caused by a precipitation event(s), information from the National Weather Service concerning the size of the precipitation event.

4. If any samples are collected and analyzed the written report shall also include the following:

a. The date, exact place, and time of sampling or measurements;

b. The individual(s) who performed the sampling or measurements;

c. The date(s) analyses were performed;

d. The analytical techniques or methods used; and

e. The results of such analyses.

5. The Director may waive the written report on a case-by-case basis if an oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 553–1669.

6. Any reports submitted to EPA must be signed by the owner or authorized person in accordance with Part VI.F. of the permit.

C. Other Noncompliance Reporting

Instances of noncompliance not required to be reported in Part IV.A. of this permit shall be reported in writing within 5 days after the permittee becomes aware of the violation. The reports shall contain the information listed in Part IV.B. of this permit.

D. Inspection and Entry

The permittee shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and

4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

V. Compliance Responsibilities

A. Duty To Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. Penalties for Violations of Permit Conditions

1. Administrative Penalty

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to an administrative penalty, not to exceed $10,000 per day for each violation.

2. Civil Penalty

The Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be subject to a civil penalty, not to exceed $25,000 per day for each violation.

3. Criminal Penalties

a. Negligent Violations. The Act provides that any person who negligently violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $2,500 nor more than $25,000 per day of violation, or by imprisonment for not more than 1 year, or by both.

b. Knowing Violations. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act shall be punished by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment for not more than 3 years, or by both.

c. Knowing Endangerment. The Act provides that any person who knowingly violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than $250,000 or imprisonment of not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this subparagraph, be subject to a fine of not more than $1,000,000.

d. False Statements. The Act provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more that $10,000, or by imprisonment for not more than 2 years, or by both.

Nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

C. Need To Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

F. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner so as to prevent any pollutant from such materials from entering waters of the United States.

G. Toxic Pollutants

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

VI. General Requirements

A. Anticipated Noncompliance

The permittee shall also give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

B. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

C. Duty To Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the

permittee must apply for a new permit by resubmitting the information in Appendix C of this permit. The application should be submitted at least 180 days before the expiration date of this permit.

D. Duty To Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

E. Other Information

When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director, it shall promptly submit such facts or information.

F. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified.

1. All permit applications shall be signed as follows:

a. For a corporation: by a responsible corporate officer.

b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.

c. For a municipality, state, federal, or other public agency by either a principal executive officer or ranking elected official.

2. All reports required by the permit and other information requested by the Director shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

a. The authorization is made in writing by a person described above and submitted to the Director, and

b. The authorization specified either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph VI.F.2. is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph VI.F.2. must be submitted to the Director prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section shall make the following certification:

''I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.''

G. Availability of Reports

Except for data determined to be confidential under 40 CFR Part 2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the office of the Director. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

H. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

I. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

J. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

K. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.

L. Paperwork Reduction Act

EPA has reviewed the requirements imposed on regulated facilities in this draft general permit under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The information collection requirements of this permit have already been approved by the Office of Management and Budget in submission made for the NPDES permit program under the provisions of the CWA.

VII. Definitions

A. *25-Year, 24-Hour Rainfall Event* means the maximum 24-hour precipitation event with a probable recurrence interval of once in 25 years, as defined by the National Weather Service in Technical Paper Number 40, ''Rainfall Frequency Atlas of the United States'', May 1961, and subsequent amendments, or equivalent regional or state rainfall probability information developed therefrom.

B. *Administrator* means the Administrator of the United States Environmental Protection Agency, or an authorized representative.

C. *Animal feeding operation* means a lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season. Two or more animal feeding operations under common ownership are a single animal feeding operation if they adjoin each other, or if they use a common area or system for the disposal of wastes.

D. *Animal unit* means a unit of measurement for any animal feeding operation calculated by adding the following numbers: The number of slaughter and feeder cattle and dairy heifers multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of

sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.

E. *Application* means a written ''notice of intent'' pursuant to 40 CFR 122.28.

F. *Best Management Practices (BMPs)* means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of ''waters of the United States''. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

G. *Concentrated Animal Feeding Operation (CAFO)* means an ''animal feeding operation'' which meets the criteria in 40 CFR Part 122, Appendix B, or which the Director designates as a significant contributor of pollution pursuant to 40 CFR 122.23 (c). Animal feeding operations defined as ''concentrated'' in 40 CFR 122 Appendix B are as follows:

1. New and existing operations which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers of animals specified in any of the following categories:

a. 1,000 slaughter or feeder cattle;

b. 700 mature dairy cattle (whether milkers or dry cows);

c. 2,500 swine weighing over 55 pounds each;

d. 500 horses;

e. 10,000 sheep or lambs;

f. 55,000 turkeys;

g. 100,000 laying hens or broilers when the facility has unlimited continuous low watering systems;

h. 30,000 laying hens or broilers when facility has liquid manure handling system;

i. 5,000 ducks; or

j. 1,000 animal units.

2. New and existing operations which discharge pollutants into waters of the United States either through a man-made ditch, flushing system, or other similar man-made device, or directly into waters of the United States, and which stable or confine and feed or maintain for a total of 45 days or more in any 12-month period more than the numbers or types of animals in the following categories:

a. 300 slaughter or feeder cattle;

b. 200 mature dairy cattle (whether milkers or dry cows);

c. 750 swine weighing over 55 pounds;

d. 150 horses;

e. 3000 sheep or lambs;

f. 16,000 turkeys;

g. 30,000 laying hens or broilers when the facility has unlimited continuous flow watering systems;

h. 9000 laying hens or broilers when facility has a liquid manure handling system;

i. 1,500 ducks; or

j. 300 animal units (from a combination of slaughter steers and heifers, mature dairy cattle, swine over 55 pounds and sheep).

Provided, however, that no animal feeding operation is a CAFO as defined above if such animal feeding operation discharges only in the event of a 25-year, 24-hour storm event.

H. *Control Facility* means any system used for the retention of all wastes on the premises until their ultimate disposal. This includes the retention of manure, liquid waste, and runoff from the feedlot area.

I. *Director* means the Regional Administrator of EPA.

J. *Feedlot* means a concentrated, confined animal or poultry growing operation for meat, milk, or egg production, or stabling, in pens or houses wherein the animals or poultry are fed at the place of confinement and crop or forage growth or production is not sustained in the area of confinement.

K. *Ground Water* means any subsurface waters.

L. *Hydrologic Connection* means the flow between surface impoundments and surface water by means of a subsurface conveyance.

M. *Land Application* means the removal of wastewater and waste solids from a control facility and distribution to, or incorporation into the soil.

N. *Process Wastewater* means any process generated wastewater directly or indirectly used in the operation of a feedlot (such as spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, direct contact swimming, washing, or spray cooling of animals; and dust control) and any precipitation which comes into contact with any manure or litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or poultry or direct products (e.g., milk, eggs).

O. *Severe Property Damage* means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonable be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

P. *The Act* means Federal Water Pollution Control Act as amended, also known as the Clean Water Act, found at 33 USC 1251 *et seq.*

Q. *Toxic Pollutants* means any pollutant listed as toxic under section 307(a)(1) of the Act.

R. *Waters of the United States.* See 40 CFR 122.2.

Appendix A—Animal Units Calculations

''Animal unit'' is a term defined by the regulations and varies according to animal type; one animal is not always equal to one animal unit. Conversion to animal units is a procedure used to determine pollution equivalents among the different animal types; dairy cows produce more waste than sheep. This calculation is used on facilities with more than one animal type onsite.

The number of animal units is calculated as follows:

—number of slaughter and feeder cattle multiplied by 1.0, plus,
—number of mature dairy cattle multiplied by 1.4, plus,
—number of dairy heifers cattle multiplied by 1.0, plus,
—number of swine weighing over 55 pounds multiplied by 0.4, plus,
—number of sheep multiplied by 0.1, plus,
—number of horses multiplied by 2.0.

Example 1: Determine the number of animal units on a dairy operation which maintains 650 mature dairy cows and 300 dairy heifers.

[(# mature cows)(1.4)+(# heifers)(1.0)]=animal units

[(650×1.4)+(300×1.0)]=1210 animal units.

Such a facility exceeds the 1000 animal units as established in Part I.C.4. of this permit, thus this facility is a CAFO and is subject to NPDES requirements.

Example 2: Determine the number of animal units on a feeding operation which maintains 650 slaughter cattle, 100 horses, and 1000 sheep.

[(650×1.0)+(100×2)+(1000×0.1)]=950 animal units. This facility does not exceed the 1000 animal units required to be a CAFO in Part I.C.4. of this permit. However, it can be classified as a CAFO under Part I.C.5. of this permit if pollutants are discharged through a man-made conveyance or if pollutants are discharged directly to waters of the U.S. If this situation occurs, discharges are subject to NPDES requirements.

Appendix B—Significant Contributor of Pollutants

Definition:

''Significant Contributor of Pollutants'' (SCP) is a designation of an animal feeding operation made by the Director on a case-by-case basis. The purpose of this designation is to regulate animal feeding operations that are not automatically classified as CAFOs in Part I.C. of the permit and have the potential of causing environmental harm.

Designation Procedure:

—SCP determinations can only be conducted after an onsite inspection.
—The following factors are considered when making an SCP determination:

a. The size of the animal feeding operation and the amount of wastes reaching waters of the United States,

b. The location of the animal feeding operation relative to waters of the United States,

c. The means of conveyance of animal wastes and process wastewater to waters of the United States,

d. The slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of animal wastes and process wastewater into waters of the United States, and

e. Other relevant factors.

—An animal feeding operation is a CAFO upon notification by the Director.

Appendix C—Notice of Intent (Application) Information Requirements

The Application to be covered by this permit shall include the following:

1. Previous NPDES permit number if applicable,

2. Facility owner's name, address and telephone number,

3. Facility operator's name, address and telephone number,

4. Types of waste handling practices currently used for processing wastes (such as containment in a waste storage pond plus land application),

5. Name of receiving water(s) to which wastewaters are (or may be) discharged from the facility (receiving waters include canals, latterals, rivers, streams, etc.),

6. The type and number of animals confined, and

7. A sketch of the operation, including control facilities, diversion ditches, building structures, feeding areas, slope, direction of overland and surface water flow, and proximity to surface waters.

[FR Doc. 97–10704 Filed 4–24–97; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collections Submitted to OMB for Review and Approval

April 21, 1997.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden, invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before May 27, 1997. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M St., NW., Washington, DC 20554 or via internet to dconway@fcc.gov and Timothy Fain, OMB Desk Officer, 10236 NEOB 725 17th Street, NW., Washington, DC 20503 or fain__t@a1.eop.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Dorothy Conway at 202–418–0217 or via internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Approval Number: 3060–0704.

Title: Policy and Rules Concerning the Interstate, Interexchange Marketplace; Implementation of Section 254(g) of the Communications Act of 1934, as amended, CC Docket No. 96–61.

Form No.: N/A.

Type of Review: Extension of a currently approved information collection.

Respondents: Business or other for-profit.

Number of Respondents: 519.

Estimated Time Per Response:

	Hours per response	Total hours
Tariff cancellation requirement.	143.7	74,598
Information disclosure requirement.	120	62,280
Recordkeeping requirement.	2	1,038
Certification requirement.	½ hour ..	259.2

Total Annual Burden: 138,175 hours.

Total Costs to all Respondents: $435,000.

Needs and Uses: CC 96–61 eliminates the requirement that nondominant interexchange carriers file tariffs for interstate, domestic, interexchange telecommunications services. In order to facilitate enforcement of such carriers' statutory obligation to geographically average and integrate their rates, and to make it easier for customers to compare carriers' service offerings, the attached Order requires affected carriers to maintain, and to make available to the public in at least one location, information concerning their rates, terms and conditions for all of their interstate domestic, interexchange services.

The information collected under the tariff cancellation requirement must be disclosed to the Commission, and will be used to implement the Commission's detariffing policy. The information collected under the recordkeeping and certification requirements will be used by the Commission to ensure that affected interexchange carriers fulfill their obligations under the Communications Act, as amended. The information in the disclosure requirement must be provided to third parties, and will be used to ensure that such parties have adequate information to bring to the Commission's attention any violations of geographic rate averaging and rate integration requirements of Section 254(g) of the Communications Act.

OMB Approval Number: 3060–XXXX.

Title: 28 GHz Band Segmentation Plan amending the Commission's Rules to Redesignate the 27.5–29.5 GHz Frequency Band, to Reallocate, the 29.5–30.0 GHz Frequency Band, and to Establish Rules and Policies for LMDS and for the Fixed Satellite Services.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit; Not-for-profit institutions.

Number of Respondents: 15 submitting paperwork at least 4 times per year.

Estimated Time Per Response: 1.5 hours.

Total Annual Burden: 90 hours.

Total Costs to all Respondents: $18,000. This is based on the assumption that applicants will hire outside counsel at an approximate cost of $150 per hour, it is estimated that the cost per submission will be $300.

Needs and Uses: The collections of information contained in Parts 25 and 101 are used by the Commission staff in carrying out its duties as set forth in Sections 308 and 309 of the Communications Act of 1934, as amended, 47 U.S.C. Sections 308 and 309, to determine the technical qualifications of an applicant to operate

a station and will be used by the Commission to verify that licensees are fully coordinated with other users in the band. The information collected is used to determine whether the public interest, convenience and necessity will be served.

OMB Approval Number: 3060–XXXX.

Title: Aeronautical Services Transition Plan.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit.

Number of Respondents: 6.

Estimated Time Per Response: 2 hours.

Total Annual Burden: 12 hours.

Total Costs to all Respondents: $5,400. This is based on the assumption that applicants will hire outside counsel at an approximate cost of $150 per hour, for six hours. It is estimated that the cost per submission will be $900.

Needs and Uses: On April 9, 1996 the Commission adopted Order on Reconsideration and Further Notice of Proposed Rulemaking, 61 FR 30579. When AMSS becomes available on the domestic satellite, current AMSS users will be transitioning from Inmarsat to the domestic provider. To ensure the continuity of service during the transition from Inmarsat to the U.S. domestic AMSS licensee, the Commission adopted a requirement that operators providing interim domestic Aeronautical mobile satellite services (AMSS) via Inmarsat file a transition plan as operations are moved to the U.S. domestic licensee. The information collection will be used by the Commission and the domestic licensee to ensure technical feasibility of the transition and continuity of service as the U.S. Domestic licensee begins to provide domestic AMSS.

OMB Approval Number: 3060–XXXX.

Title: Price Cap Performance Review for Local Exchange Carriers, CC Docket No. 94–1.

Form No.: N/A.

Type of Review: New Collection.

Respondents: Business or other for-profit.

Number of Respondents: 13 with approximately 2 responses annually.

Estimated Time Per Response: 5 hours.

Total Annual Burden: 130 hours.

Total Costs to all Respondents: $0.

Needs and Uses: In the Third Report and Order issued in CC Docket 94–1, the Commission modified its filing requirement for incumbent price cap Local Exchange Carriers (LECs) who propose to offer new switched access services. We no longer require an incumbent LEC to introduce a new service by filing a waiver under Part 69 of the Commission's rules. Instead, incumbent LECs will be able to file a petition for the lower service band indices in the proceeding. By doing so, an incumbent price cap LEC no longer has to file a waiver to set its rates below the lower service band indices, but instead may simply adjust its rates downward.

Federal Communications Commission

Shirley S. Suggs,

Chief, Publications Branch.

[FR Doc. 97–10673 Filed 4–24–97; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 10:00 a.m. on Tuesday, April 29, 1997, to consider the following matters:

Summary Agenda: No substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board of Directors requests that an item be moved to the discussion agenda.

Disposition of minutes of previous Board of Directors' meetings.

Reports of actions taken pursuant to authority delegated by the Board of Directors.

Memorandum and resolution re: Proposed Amendments to Part 307—Notification of Changes of Insured Status.

Memorandum and resolution re: Statement of Policy on Interagency Notification and Coordination of Enforcement Actions by the Federal Banking Regulatory Agencies.

Memorandum and resolution re: Rescission of Uniform Guideline on Internal Control for Foreign Exchange Activities in Commercial Banks.

Memorandum and resolution re: Rescission of Statement of Policy on Changes in Control in Insured Nonmember Banks.

Memorandum and resolution re: Proposed Rescission of Part 343—Insured State Nonmember Banks which are Municipal Securities Dealers.

Discussion Agenda

Corporation's Strategic Plan.

Memorandum and resolution re: Proposed Rule Regarding Deposit Insurance Simplification.

Memorandum and resolution re: Rescission of Statement of Policy on Assistance to Operating Insured Depository Institutions.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

The FDIC will provide attendees with auxiliary aids (e.g., sign language interpretation) required for this meeting. Those attendees needing such assistance should call (202) 416–2449 (Voice); (202) 416–2004 (TTY), to make necessary arrangements.

Requests for further information concerning the meeting may be directed to Mr. Robert E. Feldman, Deputy Executive Secretary of the Corporation, at (202) 898–6757.

Dated: April 22, 1997.

Federal Deposit Insurance Corporation

Robert E. Feldman,

Deputy Executive Secretary.

[FR Doc. 97–10836 Filed 4–23–97; 10:30 am]

BILLING CODE 6714–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act. Unless otherwise noted, nonbanking

activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 19, 1997.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105-1521:

1. Susquehanna Bancshares, Inc. Lititz, Pennsylvania; to acquire 100 percent of the voting shares of Founders Bank, Bryn Mawr, Pennsylvania.

B. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. First Robinson Financial Corporation, Robinson, Illinois; to become a bank holding company by acquiring 100 percent of the voting shares of First Robinson Savings Bank, National Association, Robinson, Illinois, the successor to the charter of First Robinsin Savings & Loan, F.A., Robinson, Illinois, which will convert from a mutual to a stock savings and loan association, and then to a national bank.

Board of Governors of the Federal Reserve System, April 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–10691 Filed 4–24–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y, (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 9, 1997.

A. Federal Reserve Bank of Minneapolis (Karen L. Grandstrand, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480-2171:

1. Norwest Corporation, Minneapolis, Minnesota; to acquire IMS Mortgage Company, Cedar Rapids, Iowa, and thereby engage in residential mortgage lending activities, pursuant to § 225.28(b)(1) of the Board's Regulation Y. The co-venturers will be Norwest Ventures, Inc., Des Moines, Iowa, and East Brook Corporation of Iowa, d/b/a/ Skogman Realty, Cedar Rapids, Iowa.

Board of Governors of the Federal Reserve System, April 21, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–10690 Filed 4–24–97; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: 62 FR 18629–30, April 16, 1997.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Monday, April 21, 1997.

CHANGES IN THE MEETING: Addition of the following closed items to the meeting: (1) Proposed amendments to the Voluntary Guide to Conduct for Senior Federal Reserve System Officials; and (2) Status Report of the Committee on the Federal Reserve in the Payments Mechanism (Alternative Roles for the Federal Reserve in the Retail Payments System).

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204.

Dated: April 22, 1997.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 97–10824 Filed 4–23–97; 10:30 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 97N–0137]

Cellpro, Inc.; Premarket Approval of CEPRATE® SC Stem Cell Concentration System

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application by CellPro, Inc., Bothell, WA, for premarket approval, under the Federal Food, Drug, and Cosmetic Act (the act), of the CEPRATE® SC Stem Cell Concentration System (CEPRATE® SC System). FDA's Center for Biologics Evaluation and Research (CBER) notified the applicant, by letter of December 6, 1996, of the approval of the application.

DATES: Petitions for administrative review by May 27, 1997.Q02

ADDRESSES: Written requests for copies of the summary of safety and effectiveness data and petitions for administrative review to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12420 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Keith O. Webber, Center for Biologics Evaluation and Research (HFM–594), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–5103.

SUPPLEMENTARY INFORMATION: On January 3, 1994, CellPro, Inc., Bothell, WA 98021, submitted to CBER an application for premarket approval of the CEPRATE® SC System. The device is indicated for the processing of autologous bone marrow to obtain a cell population enriched with cells displaying the CD34 surface marker (CD34+). Such cells are intended for hematopoietic support after myeloablative chemotherapy. Infusion of CD34+ enriched cell populations results in a lower incidence of dimethyl sulfoxide infusion-associated complications compared with infusion of unselected bone marrow cells. The CEPRATE® SC System consists of an instrument and a single-use, sterile, prepackaged kit containing disposable components which includes: (1) An avidin column, (2) a precolumn, (3) a tubing set, (4) a vial of anti-CD34+ biotinylated monoclonal antibody, (5) a blood filter, and (6) wash and culture media. The CEPRATE® SC System concentrates CD34+ cells using a

proprietary, continuous flow immunoadsorption technique. Bone marrow cells are harvested, fractionated for recovery of the buffy-coat and incubated with biotinylated murine anti-CD34 monoclonal antibody which selectively binds CD34+ cells. After incubation, the cells are washed to remove excess, unbound antibody and then processed through the CEPRATE® SC System. After processing through the CEPRATE® SC System, the CD34+ enriched population of autologous bone marrow cells are reinfused into the patient.

On December 6, 1996, CBER approved the application by a letter to the applicant from the Director of the Office of Therapeutics Research and Review, CBER.

In the December 6, 1996, approval letter the expiration dating period for the anti-human CD34 biotinylated antibody (murine) was approved at 18 months when stored at -70 ℃. An expiration dating period for all other components of the CEPRATE® SC Disposables Kit was approved for 12 months when stored at the appropriate temperatures. FDA received a submission from CellPro, Inc., dated December 12, 1996, in support of extending the expiration dating period for the remaining components of the CEPRATE® SC System from 12 months to 18 months. On February 19, 1997, FDA approved the 18-month expiration dating period for all components of the CEPRATE® SC System except for the Roswell Park Memorial Institute cell culture medium, which has an approved expiration dating period of 16 months.

FDA has determined that the sale, distribution, and use of the CEPRATE® SC System is restricted to prescription use in accordance with 21 CFR 801.109 within the meaning of section 520(e) of the act (21 U.S.C. 360j(e)) under the authority of section 515(d)(1)(B)(ii) of the act (21 U.S.C. 360e(d)(1)(B)(ii)). FDA has also determined that to ensure the safe and effective use of the device, the CEPRATE® SC System is further restricted within the meaning of section 520(e) of the act under the authority of section 515(d)(1)(B)(ii) of the act insofar as: (1) The labeling specifies the requirements that apply to the training of practitioners who may use the device; and (2) the sale, distribution, and use must not violate section 502(q) and (r) of the act (21 U.S.C. 352(q) and (r)).

A summary of the safety and effectiveness data on which CBER based its approval is on file in the Dockets Management Branch (address above) and is available from that office upon written request. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the act authorizes any interested person to petition, under section 515(g) of the act, for administrative review of CBER's decision to approve this application. A petitioner may request either a formal hearing under 21 CFR part 12 of FDA's administrative practices and procedures regulations or a review of the application and CBER's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration under 21 CFR 10.33(b). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before May 27, 1997, file with the Dockets Management Branch (address above) two copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 515(d), 520(h) (21 U.S.C. 360e(d), 360j(h))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Director, Center for Biologics Evaluation and Research (21 CFR 5.53).

Dated: April 17, 1997.

Kathryn C. Zoon,

Director, Center for Biologics Evaluation and Research.

[FR Doc. 97–10720 Filed 4–24–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of the Committee: Veterinary Medicine Advisory Committee.

General Function of the Committee: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal disease and increased animal production.

Date and Time: The meeting will be held on May 13 and 14, 1997, 8:30 a.m. to 4:30 p.m. Open public hearing portions are scheduled from 2:30 p.m. to 3:30 p.m. on May 13, 1997, and from 1 p.m. to 2 p.m. on May 14, 1997.

Location: Holiday Inn—Gaithersburg, Goshen Room, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Jacquelyn L. Pace, Center for Veterinary Medicine (HFV–200), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–594–5920, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12546. Please call the Information Line for up-to-date information on this meeting.

Agenda: On May 13, 1997, the committee will discuss veterinary medical issues related to the quality standards for the manufacture of animal drugs, such as current good manufacturing practices. On May 14, 1997, the committee will discuss topics concerned with the Animal Drug Use Clarification Act, specifically, the part of the regulation that permits extralabel use where a drug is clinically ineffective.

Procedure: The meeting is open to the public. Interested persons may present data, information, or views, orally, or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 7, 1997. Those desiring to make formal presentations should notify the contact person before May 7, 1997, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of

proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C., App. 2).

Dated: April 21, 1997.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 97–10780 Filed 4–24–97; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

John E. Fogarty International Center for Advanced Study in the Health Sciences; Notice of Meeting of the Fogarty International Center Advisory Board

Pursuant to Pub. L. 92–463, as amended, notice is hereby given of the thirty-sixth meeting of the Fogarty International Center (FIC) Advisory Board, May 20, 1997, in the Lawton Chiles International House (Building 16) at the National Institutes of Health. The Research Awards Subcommittee will meet on May 19 in the FIC Conference Room, Building 31, Room B2C07, from 1 p.m. to approximately 4 p.m., and will be closed to the public.

The meeting of the Board will be open to the public from 8:30 a.m. to approximately 12 noon.

The agenda will include a report by the Director, FIC; a report on the implementation of the AIDS International Training and Research Program Review; presentations by grantees under the International Training and Research Program in Population and Health and the International Training and Research Program in Environmental and Occupational Health; and a presentation by Dr. Christopher Murray, Associate Professor of International health Economics, Harvard School of Public Health, on the Global Burden of Disease Study.

In accordance with the provisions of sections 552b(c)(4) and 552b(c)(6), Title 5, United States Code and section 10(d) of Pub. L. 92–463, as amended, the entire meeting of the Research Awards Subcommittee will be closed to the public from 1 p.m. to approximately 4 p.m., and the Board meeting on May 20 will be closed to the public from 1 p.m. to adjournment for the review of applications for awards under the Senior International Fellowship Program and the International Research Fellowship Program; and the Fogarty International Research Collaboration Awards and HIV, AIDS, and Related Illnesses Collaboration Awards.

Paula Cohen, Committee Management Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Dr MSC 2220, Bethesda, Maryland 20892–2220, telephone: 301–496–1491, will provide a summary of the meeting and a roster of the committee members upon request.

Irene Edwards, Executive Secretary, Fogarty International Center Advisory Board, Building 31, Room B2C08, telephone: 301–496–1491, will provide substantive program information.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact Ms. Cohen at least 2 weeks in advance of the meeting.

(Catalog of Federal Domestic Assistance Program No. 93.989, Senior International Fellowship Awards Program, and 93.934, Fogarty International Research Collaboration Award)

Dated: April 18, 1997.

LaVeen Ponds,

Acting Committee Management Officer, NIH.

[FR Doc. 97–10757 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Eye Institute Special Emphasis Panel (SEP) meeting:

Name of SEP: Clinical Research.
Date: May 1, 1997.
Time: 9:00 a.m.
Place: National Eye Institute, Executive Plaza South, Suite 350, 6120 Executive Blvd., Bethesda, MD 20892–7164.
Contact Person: Andrew P. Mariani, Ph.D., Executive Plaza South, Room 350, 6120 Executive Blvd., Bethesda, MD 20892–7164, (301) 496–5561.
Purpose/Agenda: Review of Grant Applications.

The meeting will be closed in accordance with provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program No. 93.867, Vision Research: National Institutes of Health)

Dated: April 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–10755 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Heart, Lung, and Blood Institute Special Emphasis Panel (SEP) meetings:

Name of SEP: Stage and Tissue Specific Animal Models of Hemophilia (Telephone Conference Call).
Date: April 30, 1997.
Time: 11:00 a.m.
Place: Two Rockledge Center, Room 7184, 6701 Rockledge Drive, Bethesda, Maryland 20892.
Contact Person: Ivan C. Baines, Ph.D., Two Rockledge Center, Room 7184, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0277.
Purpose/Agenda: To review and evaluate contract proposals.

Name of SEP: Research Program: Exercise to Prevent Cardiovascular Disease.
Date: May 12–13, 1997.
Time: 7:30 p.m.
Place: Holiday Inn Gaithersburg, 2 Montgomery Village Avenue, Gaithersburg, Maryland 20814.
Contact Person: Anthony M. Coelho, Jr., Ph.D., Two Rockledge Center, Room 7194, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0288.
Purpose/Agenda: To review and evaluate grant applications.

This notice is being published less than fifteen days prior to the above meetings due to the urgent need to meet timing limitations imposed by the review and funding cycle.

Name of SEP: Review of the Institutional National Research Service Award (T32s), Independent Scientist Award (K02s) and the Mentored Clinical Scientist Development Award (K08s) Applications.
Date: June 16–17, 1997.
Time: 8:00 a.m.
Place: Woodfin Suite Hotel, 1380 Piccard Drive, Rockville, Maryland 20850.
Contact Person: S. Charles Seldon, Ph.D., Two Rockledge Center, Room 7196, 6701

Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0288.

Purpose/Agenda: To review and evaluate grant applications.

Name of SEP: Review of a Mentored Clinical Scientist Development Award (K08) Application.

Date: June 17, 1997.

Time: 2:00 p.m.

Place: Woodfin Suite Hotel, 1380 Piccard Drive, Rockville, Maryland 20850.

Contact Person: S. Charles Selden, Ph.D., Two Rockledge Center, Room 7196, 6701 Rockledge Drive, Bethesda, MD 20892–7924, (301) 435–0288.

Purpose/Agenda: To review and evaluate grant applications.

These meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of health)

Dated: April 18, 1997.

LaVeen Ponds,

Acting Committee Management Officer, NIH.

[FR Doc. 97–19753 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the following National Heart, Lung, and Blood Institute Special Emphasis Panel.

The meeting will be open to the public to provide concept review of proposed contract or grant solicitations.

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Person listed below in advance of the meeting.

Name of Panel: Hormone Therapy for Cooley's Anemia.

Dates of Meeting: June 3, 1997.

Time of Meeting: 8:00 a.m.

Place of Meeting: Royal Sonesta Hotel, 5 Cambridge Parkway, Cambridge, Massachusetts 02142.

Agenda: To develop plans for research into the need for hormone therapy and its long-term effects on patients with Cooley's Anemia.

Contact Person: Alan S. Levine, Ph.D., NHLBI/DBDR, Two Rockledge Center, 6701 Rockledge Drive, Rm. 10158, MSC 7950, Bethesda, Maryland 20892, (301) 435–0050.

(Catalog of Federal Domestic Assistance Programs Nos. 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; and 93.839, Blood Diseases and Resources Research, National Institutes of Health)

Dated: April 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–10756 Filed 4–24–97; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Nursing Research; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Nursing Research Special Emphasis Panel (SEP) meeting:

Name of SEP: Review of Individual National Research Service Awards (Telephone Conference Call).

Date: May 15, 1997.

Time: 2:00 p.m.

Place: Natcher Building 45, Room 3AN–18B, 45 Center Drive, Bethesda, Maryland 20892.

Contact Person: Mary Stephens-Frazier, Ph.D., Building 45, Room 3AN–18B, 45 Center Drive, Bethesda, MD 20892, (301) 594–5971.

Purpose/Agenda: To review and evaluate grant applications.

This meeting will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.361, Nursing Research, National Institutes of Health)

Dated: April 18, 1997.

LaVeen Ponds,

Acting Committee Management Officer, NIH.

[FR Doc. 97–10754 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Meetings

Pursuant to Pub. L. 92–463, notice is hereby given of meetings of the National Institute of Neurological Disorders and Stroke (NINDS).

The National Advisory Neurological Disorders and Stroke Council and its subcommittee meetings will be open to the public as indicated below. Attendance by the public will be limited to space available.

The meetings will be closed to the public as indicated below in accordance with the provision set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. and sec. 10(d) of Pub. L. 92–463, for the review, discussion and evaluation of individual grant applications. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Summaries of meetings, rosters of committee members, and other information pertaining to the meetings can be obtained from the Executive Secretary or the Scientific Review Administration indicated. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should contact the Executive Secretary listed for the meeting.

Name of Committee: The Planning Subcommittee of the National Advisory Neurological disorders and Stroke Council.

Date: June 11, 1997.

Place: National Institutes of Health, Building 31, Conference Room 8A28, 9000 Rockville Pike, Bethesda, MD 20892.

Closed: 1:30 p.m.–recess.

Name of Committee: National Advisory Neurological Disorders and Stroke Council.

Date: June 12–13, 1997.

Place: National Institutes of Health, Building 31, Conference Room 10, 9000 Rockville Pike, Bethesda, MD 20892.

Open: June 12, 8:30 a.m.–recess.

Agenda: A report by the Director, NINDS; a report by the Director, Division of Extramural Activities, NINDS; a report by the Director, NIA; and a scientific presentation by an NINDS grantee.

Closed: June 13, 8:30 a.m.–adjournment.

Executive Secretary: Constance W. Atwell, Ph.D., Director, Division of Extramural Activities, NINDS, National Institutes of

Health, Bethesda, MD 10892, Telephone: (301) 496–9248.

The following meetings will be totally closed to review and evaluate grant applications:

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Subcommittee B.

Date: June 18–20, 1997.

Time: June 18, 7:00 p.m.–recess, June 19, 8:00 a.m.–recess, June 20, 8:00 a.m.–adjournment.

Place: The Madison Hotel, 1177 Fifteenth Street, NW., Washington, DC 20005.

Contact Person: Dr. Paul Sheehy, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: Training Grant and Career Development Review Committee.

Date: June 19, 1997.

Time: 8:00 a.m.–adjournment.

Place: Holiday Inn, Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

Contact Person: Dr. Alfred W. Gordon, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Subcommittee A.

Date: June 19–20, 1997.

Time: June 19, 7:30 p.m.–recess, June 20, 8:30 a.m.–adjournment.

Place: Omni Inner Harbor Hotel, 101 West Fayette Street, Baltimore, MD 21201.

Contact Person: Dr. Katherine Woodbury, Scientific Review Administrator, Scientific Review Branch, NINDS, National Institutes of Health, Federal Building, Room 9C–10, Bethesda, MD 20892, (301) 496–9223.

(Catalog of Federal Domestic Assistance Program No. 93.853, Clinical Research Related to Neurological Disorders; No. 93.854, Biological Basis Research in the Neurosciences)

Dated: April 18, 1997.

LaVeen Ponds,

Acting NIH Committee Management Officer.

[FR Doc. 97–10758 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Division of Research Grants Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.

Name of SEP: Clinical Sciences.

Date: April 30, 1997.

Time: 3:00 p.m.

Place: NIH, Rockledge 2, Room 4104, Telephone Conference.

Contact Person: Dr. Priscilla Chen, Scientific Review Administrator, 6701 Rocklege Drive, Room 4104, Bethesda, Maryland 20892, (301) 435–1787.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.

Date: May 12, 1997.

Time: 1:00 p.m.

Place: NIH, Rockledge 2, Room 4150, Telephone Conference.

Contact Person: Dr. Marcia Litwack, Scientific Review Administrator, 6701 Rocklege Drive, Room 4150, Bethesda, Maryland 20892, (301) 435–1719.

Name of SEP: Biological and Physiological Sciences.

Date: May 19, 1997.

Time: 9:00 a.m.

Place: NIH, Rockledge 2, Room 4150, Telephone Conference.

Contact Person: Dr. Marcia Litwack, Scientific Review Administrator, 6701 Rocklege Drive, Room 4150, Bethesda, Maryland 20892, (301) 435–1719.

The meetings will be closed in accordance with the provisions set forth in secs. 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–10759 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Division of Research Grants; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings that are being held to review grant applications:

Study section/contact person	June–July 1997 meetings	Time	Location
AIDS and Related Research Initial Review Group			
AIDS & Related Research 1, Dr. Sami Mayyasi, 301–435–1216.	July 10–11	8:00 a.m	Hyatt Regency Hotel, Bethesda, MD.
AIDS & Related Research 2, Dr. Gilbert Meier, 301–435–1219	July 18	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 3, Dr. Bruce Maurer, 301–435–1225	June 26–27	8:30	Wyndham Bristol Hotel, Washington, DC.
AIDS & Related Research 4, Dr. Mohindar Poonian, 301–435–1218.	July 10–11	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 5, Dr. Mohindar Poonian, 301–435–1218.	July 1	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 6, Dr. Gilbert Meier, 301–435–1219	July 8	8:00 a.m	Holiday Inn, Chevy Chase, MD.
AIDS & Related Research 7, Dr. Gilbert Meier, 301–435–1219	July 11	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Biobehavioral and Social Sciences Initial Review Group			
Behavioral Medicine, Ms. Carol Campbell, 301–435–1257	June 25–26	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Human Development & Aging-1, Dr. Anita Miller Sostek, 301–435–1260.	June 12–13	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Human Development & Aging-2, Dr. Michael Micklin, 301–435–1258.	June 17–18	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Human Development & Aging-3, Dr. Anita Miller Sostek, 301–435–1260.	June 26–27	9:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.

Study section/contact person	June–July 1997 meetings	Time	Location
Social Sciences & Population, Dr. Robert Weller, 301–435–1261.	June 26–27	8:00 a.m	Holiday Inn, Silver Spring, MD.
Biochemical Sciences Initial Review Group			
Biochemistry, Dr. Chhanda Ganguly, 301–435–1739	June 18–20	8:30 a.m	Holiday Inn, Silver Spring, MD.
Medical Biochemistry, Dr. Alexander Liacouras, 301–435–1740	June 16–17	8:30 a.m	Wyndham Bristol Hotel, Washington, DC.
Pathbiochemistry, Dr. Zakir Bengali, 301–435–1742	June 19–20	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Physiological Chemistry, Dr. Donald Schneider, 301–435–1165	June 19–20	8:00 a.m	Wyndham Bristol Hotel, Washington, DC.
Biophysical and Chemical Sciences Initial Review Group			
Bio-Organic & Natural Products Chemistry, Dr. Harold Radtke, 301–435–1728.	June 26–27	9:00 a.m	Holiday Inn, Silver Spring, MD.
Biophysical Chemistry, Dr. John Beisler, 301–435–1727	June 19–21	8:30 a.m	Wyndham Bristol Hotel, Washington, DC.
Medicinal Chemistry, Dr. Ronald Dubois, 301–435–1722	June 11–13	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Metallobiochemistry, Dr. John Bowers, 301–435–1725	June 26–27	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Molecular & Cellular Biophysics, Dr. Nancy Lamontagne, 301–435–1726.	June 5–6	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Physical Biochemistry, Dr. Gopa Rakhit, 301–435–1721	June 16–17	8:30 a.m	Double Tree Hotel, Rockville, MD.
Cardiovascular Sciences Initial Review Group			
Cardiovascular, Dr. Gordon Johnson, 301–435–1212	June 4–6	8:00 a.m	Holiday Inn, Silver Spring, MD.
Cardiovascular & Renal, Dr. Anthony Chung, 301–435–1213 ...	June 16–17	8:30 a.m	Holiday Inn, Silver Spring, MD.
Experimental Cardiovascular Sciences, Dr. Anshumali Chaudhari, 301–435–1210.	June 16–17	8:30 a.m	Double Tree Hotel, Rockville, MD.
Hematology-1, Dr. Clark Lum, 301–435–1195	June 19–20	8:00 a.m	Double Tree Hotel, Rockville, MD.
Hematology-2, Dr. Jerrold Fried, 301–435–1777	June 18–19	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Pathology A, Dr. Larry Pinkus, 301–435–1214	June 3–4	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Pharmacology, Dr. Jeanne Ketley, 301–435–1789	June 25–26	8:00 a.m	American Inn, Bethesda, MD.
Cell Development and Function Initial Review Group			
Biological Sciences-2, Dr. Anthony Carter, 301–435–1168	June 23–24	8:30 a.m	Holiday Inn, Alexandria, VA.
Cellular Biology and Physiology-1, Dr. Gerald Greenhouse, 301–435–1023.	June 4–5	8:00 a.m	Sheraton Reston Hotel, Reston, VA.
Cellular Biology and Physiology-2, Dr. Gerhard Ehrenspeck, 301–435–1022.	June 11–12	8:30 a.m	Holiday Inn, Bethesda, MD.
Human Embryology & Development-2, Dr. Sherry Dupere, 301–435–1021.	June 5–6	8:30 a.m	Holiday Inn, Chevy, Chase, MD.
International & Cooperative Projects, Dr. G.B. Warren, 301–435–1019.	July 24–25	8:00 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Molecular Biology, Dr. Robert Su, 301–435–1025	June 26–27	8:30 a.m	The Georgetown Inn, Washington, DC.
Molecular Cytology, Dr. Ramesh Nayak, 301–435–1026	June 5–6	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Endocrinology and Reproductive Sciences Initial Review Group			
Biochemical Endocrinology, Dr. Michael Knecht, 301–435–1046.	June 26–27	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Endocrinology, Dr. Syed Amir, 301–435–1043	June 9–10	8:30 a.m	Hilton Hotel, Minneapolis, MN.
Human Embryology & Development-1, Dr. Michael Knecht, 301–435–1046.	June 12–13	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Reproductive Biology, Dr. Dennis Leszczynski, 301–435–1044	June 9–10	8:00 a.m	Double Tree Hotel, Rockville, MD.
Reproductive Endocrinology, Dr. Abubakar Shaikh, 301–435–1042.	June 23–24	8:00 a.m	Ramada Inn, Rockville, MD.
Genetic Sciences Initial Review Group			
Biological Sciences-1, Dr. Nancy Pearson, 301–435–1047	July 1–3	8:30 a.m	St. James Hotel, Washington, DC.
Genetics, Dr. David Remondini, 301–435–1038	June 12–14	9:00 a.m	Georgetown Holiday Inn, Washington, DC.
Genome, Dr. Cheryl Corsaro, 301–435–1045	June 25–27	9:00 a.m	Latham Hotel, Washington, DC.
Mammalian Genetics, Dr. Camilla Day, 301–435–1142	June 19–20	9:00 a.m	Georgetown Holiday Inn, Washington, DC.
Health Promotion and Disease Prevention Initial Review Group			
Epidemiology & Disease Control-1, Dr. Scott Osborne, 301–435–1782.	June 18–20	8:30 a.m	Marriott Residence Inn, Bethesda, MD.

Study section/contact person	June–July 1997 meetings	Time	Location
Epidemiology & Disease Control-2, Dr. J. Terrell Hoffeld, 301–435–1781.	June 23–24	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Nursing Research, Dr. Gertrude McFarland, 301–435–1784	June 25–26	8:30 a.m	Double Tree Hotel, Rockville, MD.
Immunological Sciences Initial Review Group			
Allergy & Immunology, Dr. Gene Zimmerman, 301–435–1220	June 9–10	8:30 a.m	Latham Hotel, Washington, DC.
Experimental Immunology, Dr. Calbert Laing, 301–435–1221 ..	June 12–13	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Immunobiology, Dr. Betty Hayden, 301–435–1223	June 19–20	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Immunological Sciences, Dr. Anita Corman Weinblatt, 301–435–1224.	June 18–20	8:30 a.m	Holiday Inn, Chevy Chase MD.
Infectious Diseases and Microbiology Initial Review Group			
Bacteriology & Mycology-1, Dr. Timothy Henry, 301–435–1147	June 20–21	8:30 a.m	Marriott Residence Inn, Bethesda, MD.
Bacteriology & Mycology-2, Dr. William Branche, Jr., 301–435–1148.	June 25–26	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Experimental Virology, Dr. Garrett Keefer, 301–435–1152	June 23–24	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Microbial Physiology & Genetics-1, Dr. Martin Slater, 301–435–1149.	June 1–3	8:30 a.m	Lazy H Ranch, Allenspeak, CO.
Microbial Physiology & Genetics-2, Dr. Gerald Liddel, 301–435–1150.	June 18–19	8:30 a.m	Double Tree Hotel, Rockville, MD.
Tropical Medicine & Parasitology, Dr. Jean Hickman, 301–435–1146.	June 11–13	8:00 a.m	Holiday Inn, Bethesda, MD.
Virology, Dr. Rita Anand, 301–435–1151	June 26–27	8:30 a.m	Holiday Inn, Bethesda, MD.
Musculoskeletal and Dental Sciences Initial Review Group			
General Medicine A–1, Dr. Harold Davidson, 301–435–1776 ...	June 9–10	8:30 a.m	Holiday Inn, Chevy Chase, MD.
General Medicine B, Dr. Shirley Hilden, 301–435–1198	June 24–25	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Oral Biology & Medicine-1, Dr. Priscilla Chen, 301–435–1787	June 23–24	8:30 a.m	Holiday Inn—Old Town, Alexandria, VA.
Oral Biology & Medicine-2, Dr. Priscilla Chen, 301–435–1787	June 2–3	8:30 a.m	Holiday Inn—Old Town, Alexandria, VA.
Orthopedics & Musculoskeletal, Dr. Daniel McDonald, 301–435–1215.	June 18–19	8:00 a.m	American Inn, Bethesda, MD.
Neurological Sciences Initial Review Group			
Neurological Sciences–1, Dr. Carl Banner, 301–435–1251	June 11–12	8:30 a.m	Hyatt Regency Hotel, Bethesda, MD.
Neurological Sciences–2, Dr. Kathleen Michels, 301–435–1250	June 16–18	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Neurology A, Dr. Joe Marwah, 301–435–1253	June 26–28	8:30 a.m	Governors House Hotel, Washington, DC.
Neurology B–1, Dr. Kathleen Michels, 301–435–1250	June 2–3	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Neurology B–2, Dr. Herman Teitelbaum, 301–435–1254	June 30–July 2	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Neurology C, Dr. Kenneth Newrock 301–435–1252	June 25–27	8:30 a.m	Radisson Barcelo Hotel, Washington, DC.
Nutritional and Metabolic Sciences Initial Review Group			
General Medicine A–2, Dr. Mushtaq Khan, 301–435–1778	June 18–19	8:30 a.m	Courtyard by Marriott, Washington, DC.
Metabolism, Dr. Krish Krishnan, 301–435–1779	July 2–3	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Nutrition, Dr. Sooja Kim, 301–435–1780	June 23–24	8:30 a.m	DoubleTree Hotel, Rockville, MD.
Oncological Sciences Initial Review Group			
Chemical Pathology, Dr. Edmund Copeland, 301–435–1715	June 18–20	8:00 a.m	Holiday Inn, Bethesda, MD.
Experimental Therapeutics-1, Dr. Philip Perkins, 301–435–1718.	June 19–20	8:30 a.m	Hyatt Hotel, Key Bridge, Arlington, VA.
Experimental Therapeutics-2, Dr. Marcia Litwack, 301–435–1719.	June 25–27	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Metabolic Pathology, Dr. Marcelina Powers, 301–435–1720	June 25–27	8:30 a.m	Georgetown Holiday Inn, Washington, DC.
Pathology B, Dr. Martin Padarathsingh, 301–435–1717, ...	June 18–20	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Radiation, Dr. Paul Strudler, 301–435–1716	June 16–18	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.
Pathophysiological Sciences Initial Review Group			
Lung Biology & Pathology, Dr. Everett Sinnett, 301–435–1016	June 11–12	8:00 a.m	Holiday Inn, Chevy Chase, MD.
Physiology, Dr. Michael Lang, 301–435–1015	June 12–13	8:30 a.m	Embassy Suites Hotel, Chevy Chase Pavilion, Washington, DC.

Study section/contact person	June–July 1997 meetings	Time	Location
Respiratory & Applied Physiology, Dr. Everett Sinnett, 301–435–1016.	June 23–24	8:30 a.m	Holiday Inn, Chevy Chase, MD.
Sensory Sciences Initial Review Group			
Hearing Research, Dr. Joseph Kimm, 301–435–1249	June 9–10	8:30	Embassy Square Suites, Washington, DC.
Sensory Disorders & Language, Dr. Sam Rawlings, 301–435–1243.	June 18–20	8:30	Capitol Holiday Holiday Inn, Washington, DC.
Visual Sciences A, Dr. Luigi Giacometti, 301–435–1246	June 18–20	8:30 a.m	Ramada Inn, Rockville, MD.
Visual Sciences B, Dr. Leonard Jakubczak, 301–435–1247	June 18–19	8:30 a.m	Radisson Barcelo Hotel, Washington, DC.
Visual Sciences C, Dr. Carole Jelsema, 301–435–1248	June 10–11	8:00 a.m	The Georgetown Inn, Washington, DC.
Surgery, Radiology and Bioengineering Initial Review Group			
Diagnostic Radiology, Dr. Eileen Bradley, 301–435–1178	June 30-July 1	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Surgery & Bioengineering, Dr. Lee Rosen, 301–435–1171	June 16–17	8:00 a.m	Georgetown Holiday Inn, Washington, DC.
Surgery, Anesthesiology & Trauma, Dr. Gerald Becker, 301–435–1750.	June 12–13	1:00 p.m	Georgetown Holiday Inn, Washington, DC.

The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: April 18, 1997.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 97–10760 Filed 4–24–97; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4124–N–35]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, room 7256, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1226; TDD number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Steward B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Army:* Mr. Jeff Holste, CECPW–FP, U.S. Army Center for Public Works, 7701 Telegraph Road, Alexandria, VA 22310–3862; (703) 428–6318; *Interior:* Ms. Lola D. Knight, Department of the Interior, 1849 C Street, NW, Mail Stop 5512–MIB, Washington, DC 20240; (202) 208–4080; *GSA:* Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW, Washington, DC 20405; (202) 501–2059; *Navy:* Mr. Charles C. Cocks, Department of the Navy, Director, Real Estate Policy Division, Naval Facilities Engineering Command, Code 241A, 200 Stovall Street, Alexandria, VA 22332–2300; (703) 325–7342; (These are not toll-free numbers).

Dated: April 18, 1997.

Jacquie M. Lawing,

General Deputy Assistant Secretary.

Title V, Federal Surplus Property Program Federal Register Report for 04/25/97

Suitable/Available Properties

Buildings (by State)

California

Visitor Motel—Upper Kaweah
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720007
Status: Unutilized
Comment: 39403 sq. ft., wood, 2-story, needs repair, presence of asbestos/lead paint, off-site use only.

Kentucky

Mill-Sugar Shack
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720014
Status: Unutilized
Comment: 1104 sq. ft., 2-story, needs major repair, off-site use only.

Boarding House
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720015
Status: Unutilized
Comment: 884 sq. ft., 2-story, needs repair, off-site use only.

Cobbler's Shop
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720018
Status: Unutilized
Comment: 693 sq. ft., needs major repair, off-site use only.

Country Store
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720019
Status: Unutilized
Comment: 870 sq. ft., needs major repair, off-site use only.

Barn/Shed
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720020
Status: Unutilized
Comment: 1020 sq. ft., needs repair, off-site use only.

Storage Bldg.
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720021
Status: Unutilized
Comment: 336 sq. ft., off-site use only.

New Jersey

Former Stratter Property
Mt. Salem Rd/Clark Rd
Appalachian National Scenic Trail
Mt. Salem Co: Sussex NJ
Landholding Agency: Interior
Property Number: 619720029
Status: Excess
Comment: 1236 sq. ft. mobile home, off-site use only.

New Mexico

Tract No. 103–16
Cohen Property
4735 Unser Blvd., NW
Albuquerque Co: Bernalillo NM 87120–
Landholding Agency: Interior
Property Number: 619720042
Status: Excess
Comment: 3676 sq. ft., needs repair, most recent use—residence, off-site use only.

New York

Bldgs. T–8, T–254, S–2523
Fort Drum
Fort Drum Co: Jefferson, NY 13602–
Landholding Agency: Army
Property Number: 219710001
Status: Unutilized
Comment: Need repairs, most recent use—CO Hqtrs. Bldg., off-site use only.

Buildings Listed Below
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: T–16, T–19, T–94, T–113, T–127, T–479, T–616, T–619, T–1004, T–1041, P–1050, T–2220, T–2469, T–2471, T–4805
Landholding Agency: Army
Property Number: 219710002
Status: Unutilized
Comment: Need repairs, most recent use—Admin. off-site use only.

Building T–26
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710003
Status: Unutilized
Comment: 1,296 sq. ft., needs repair, most recent use—shredder bldg., off-site use only.

Building T–197
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710004
Status: Unutilized
Comment: 3,809 sq. ft., needs repair, most recent use—paint shop, off-site use only.

Building T–369
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710005
Status: Unutilized
Comment: 2,734 sq. ft., needs repair, most recent use—PM Shop off-site use only.

Building T–618
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710006
Status: Unutilized
Comment: 4,720 sq. ft., needs repair, most recent use—barracks off-site use only.

Building T–913
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710007
Status: Unutilized
Comment: 1,296 sq. ft., needs repair, most recent use—Hdqts. Bldg., off-site use only.

Building T–917
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710008
Status: Unutilized
Comment: 3,663 sq. ft., needs repair, most recent use—store off-site use only.

Buildings T–1010, T–1030
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710009
Status: Unutilized
Comment: 15,606 & 4,720 sq. ft., needs repair, most recent use—training, off-site use only.

Buildings T–1126, T–4008
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710010
Status: Unutilized
Comment: 441 & 306 sq. ft., needs repair, most recent use—oil storage, off-site use only.

Building P–2165
Fort Drum

Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710011
Status: Unutilized
Comment: 1,516 sq. ft., needs repair, most recent use—sewage treatment plant, off-site use only.

Building T–2249
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710012
Status: Unutilized
Comment: 4,720 sq. ft., needs repair, most recent use—officer's quarters, off-site use only.

Building T–2407
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710013
Status: Unutilized
Comment: 3,737 sq. ft., needs repair, most recent use—health clinic off-site use only.

Building T–2419
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710014
Status: Unutilized
Comment: 2,638 sq. ft., needs repair, most recent use—fire station, off-site use only.

Building T–2441
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710015
Status: Unutilized
Comment: 4,340 sq. ft., needs repair, most recent use—social services off-site use only.

Building T–2553
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710016
Status: Unutilized
Comment: 1,750 sq. ft., needs repair, most recent use—aviation operations, off-site use only.

9 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: T–1, T–5, T–63, T–64, T–77, T–81, T–83, T–95, T–99
Landholding Agency: Army
Property Number: 219710017
Status: Unutilized
Comment: Various sq. ft., needs repair, most recent use—storage, off-site use only.

10 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: T–230, T–264, T–275, T–292, T–309, T–330, T–338, T–350, T–369, T–379
Landholding Agency: Army
Property Number: 219710018
Status: Unutilized
Comment: Various sq. ft., needs repair, most recent use—storage, off-site use only.

6 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: T–409, T–419, T–429, T–459, T–475, T–620,
Landholding Agency: Army
Property Number: 219710019
Status: Unutilized
Comment: 2,360 sq. ft., each, need repairs, most recent use—storage, off-site use only.

Building 492
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710020
Status: Unutilized
Comment: 2,740 sq. ft., need repairs, most recent use—storage, off-site use only.

Buildings T–715, 716, 724, 793
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710021
Status: Unutilized
Comment: Various sq. ft., need repairs, most recent use—storage, off-site use only.

4 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710022
Status: Unutilized
Comment: Various sq. ft., need repairs, most recent use—storage, off-site use only.

6 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: P–2167, S–2417, T–2472, S–2525, S–2546, S–2584
Landholding Agency: Army
Property Number: 219710023
Status: Unutilized
Comment: Various sq. ft., need repairs, most recent use—storage, off-site use only.

5 Buildings
Fort Drum
Fort Drum Co: Jefferson NY 13602–
Location: T–4005, T–4007, T–4010, T–4835, T–4854
Landholding Agency: Army
Property Number: 219710024
Status: Unutilized
Comment: Various sq. ft., need repairs, most recent use—storage, off-site use only.

Bldgs. 2400, 2402, 2404
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710131
Status: Unutilized
Comment: Various sq. ft., need repairs, most recent use—storage/dog kennel, off-site use only.

Bldgs. 2308, 2310
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710132
Status: Unutilized
Comment: 425 & 1834 sq. ft., most recent use—gas pump house/office motor pool, need repairs, off-site use only.

Bldgs. 1800, 1802, 1818
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710133
Status: Unutilized
Comment: Approx. 6500 sq. ft. each, most recent use—barracks/storage, need repairs, off-site use only.

Bldgs. 2612, 2614, 2616
Stewart Army Subpost
New Windsor Co: Orange NY 12553–
Landholding Agency: Army
Property Number: 219710134
Status: Unutilized
Comment: 10052 sq. ft. each, most recent use—family housing, need repairs, off-site use only.

Bldg. T–25, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710139
Status: Unutilized
Comment: 2892 sq. ft., needs rehab, most recent use—office, off-site use only.

Bldg. T–33, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710140
Status: Unutilized
Comment: 2823 sq. ft., needs rehab, most recent use—storage, off-site use only.

Bldg. T–35, Fort Drum
Ft. Drum Co: Jefferson NY 13602–
Landholding Agency: Army
Property Number: 219710141
Status: Unutilized
Comment: 1296 sq. ft., needs rehab, most recent use—admin., off-site use only.

Bldg. T–92, Fort Drum
Ft. Drum Co: Jefferson, NY 13602–
Landholding Agency: Army
Property Number: 219710142
Status: Unutilized
Comment: 3108 sq. ft., needs rehab, most recent use—storage, off-site use only.

Pennsylvania

Former Wolfe Property
Rt. 645
Appalachian National Scenic Trail
Pine Grove Co: Schuylkill PA 17963–
Landholding Agency: Interior
Property Number: 619720030
Status: Excess
Comment: 1151 sq. ft., wood frame, most recent use—residence, off-site use only.

Former Bell Telephone Property
SR 191
Appalachian National Scenic Trail
Stroudsburg Co: Monroe PA 18360–
Landholding Agency: Interior
Property Number: 619720031
Status: Excess
Comment: 504 sq. ft., masonry block garage, off-site use only.

Former Eckville Property
Route 737
Appalachian National Scenic Trail
Eckville Co: Berks PA 19529–
Landholding Agency: Interior
Property Number: 619720033
Status: Excess
Comment: 5 outbuildings, most recent use—storage, presence of lead based paint, off-site use only.

Texas

NPS Tract 105–80
De La Garza Property
9107 Espada Road

San Antonio Co: Bexar TX
Landholding Agency: Interior
Property Number: 619720043
Status: Unutilized
Comment: wood frame, most recent use—residence, off-site use only.

Virginia

Former Gilmer Property
Route 100
Appalachian National Scenic Trail
Bluff City Co: Giles VA 24134–
Landholding Agency: Interior
Property Number: 619720032
Status: Excess
Comment: 1308 sq. ft., masonry block garage, off-site use only.

Former Hairfield Property
Route 311
Appalachian National Scenic Trail
Salem Co: Roanoke VA 24153–
Landholding Agency: Interior
Property Number: 619720034
Status: Excess
Comment: 648 sq. ft., most recent use—residence, presence of asbestos/lead paint, off-site use only.

Former Bayer Property
Route 311
Appalachian National Scenic Trail
Salem Co: Roanoke VA 24153–
Landholding Agency: Interior
Property Number: 619720035
Status: Excess
Comment: 735 sq. ft., 2–story, most recent use—residence, presence of asbestos/lead paint, off-site use only.

Former Vail Property
Route 311
Appalachian National Scenic Trail
Salem Co: Roanoke VA 24153–
Landholding Agency: Interior
Property Number: 619720036
Status: Excess
Comment: 1000 sq. ft., 1–story, most recent use—residence, presence of asbestos/lead paint, poor access, off-site use only.

Former Schwartz/Sando Property
Route 611
Appalachian National Scenic Trail
Waynesboro Co: Augusta VA 22980–
Landholding Agency: Interior
Property Number: 619720037
Status: Excess
Comment: 832 sq. ft. 3–story, wood, most recent use—residence, poor access, off-site use only.

Land (by State)

North Carolina

Greenville Relay Station
Site C
Greenville Co: Pitts NC 27834–
Landholding Agency: GSA
Property Number: 549710017
Status: Excess
Comment: 594 acres w/27,830 sq. ft. concrete block bldg., (2 acre chemical waste storage site located on SE portion of property
GSA Number: 4–Z–NC–721.

Unsuitable Properties

Buildings (by State)

California

Guest Cabins 1–4, 5–8
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720001
Status: Unutilized
Reason: Extensive deterioration.

Employee Cabins—Lodge
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720001
Status: Unutilized
Reason: Extensive deterioration.

Guest Cabins 81, 82, 83–89
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720003
Status: Unutilized
Reason: Extensive deterioration.

Castle Area Shops
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720004
Status: Unutilized
Reason: Extensive deterioration.

Admin/Stor/Mnt/Din-Lodge Area
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720005
Status: Unutilized
Reason: Extensive deterioration.

Giant Forest Village
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720006
Status: Unutilized
Reason: Extensive deterioration.

Cabins 90–92, 100V–146
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720008
Status: Unutilized
Reason: Extensive deterioration.

Lower Kaweah 514–549, 594
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720009
Status: Unutilized
Reason: Extensive deterioration.

Lower Kaweah Cabins—various
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720010
Status: Unutilized
Reason: Extensive deterioration.

Guest Cabins 9–71
Sequoia National Park
Three Rivers CA 93271–
Landholding Agency: Interior
Property Number: 619720011
Status: Unutilized
Reason: Extensive deterioration.

Kentucky

Ticket Office
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720012
Status: Unutilized
Reason: Extensive deterioration.

Farm House
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720013
Status: Unutilized
Reason: Extensive deterioration.

Employee Lounge
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720016
Status: Unutilized
Reason: Extensive deterioration.

Gillmore's Office
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720017
Status: Unutilized
Reason: Extensive deterioration.

Restrooms
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720022
Status: Unutilized
Reason: Extensive deterioration.

Photo Shop
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720023
Status: Unutilized
Reason: Extensive deterioration.

Antique Shop
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720024
Status: Unutilized
Reason: Extensive deterioration.

Pottery Sheds
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720025
Status: Unutilized
Reason: Extensive deterioration.

Blacksmith Shop
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720026
Status: Unutilized
Reason: Extensive deterioration.

Log Cabin
''Wondering Woods'' Theme Park
Mammoth Cave Co: Barren KY 42259–
Landholding Agency: Interior
Property Number: 619720027
Status: Unutilized
Reason: Extensive deterioration.

New Mexico

Trailer, White Sands
Alamogordo Co: Otero NM 88310–
Landholding Agency: Interior
Property Number: 619720045
Status: Excess
Reason: Extensive deterioration.

New York

Former Brown Mobile Home
Johnson Road
Appalachian National Scenic Trail
Dover Co: Dutchess NY 12594–
Landholding Agency: Interior
Property Number: 619720040
Status: Excess
Reason: Extensive deterioration.

Former Brown Shed
Johnson Road
Appalachian National Scenic Trail
Dover Co: Dutchess NY 12594–
Landholding Agency: Interior
Property Number: 619720041
Status: Excess
Reason: Extensive deterioration.

North Carolina

Bldg. BA101, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720002
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BA105, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720003
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BA130, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720004
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. BA191, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720005
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. SBA131, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720006
Status: Unutilized
Reason: Secured Area.

Bldg. SBA132, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720007
Status: Unutilized
Reason: Secured Area.

Bldg. SBA133, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720008
Status: Unutilized
Reason: Secured Area.

Bldg. SBA155, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720009
Status: Unutilized
Reason: Secured Area.

Bldg. M134, Camp Lejeune
Camp Lejeune Co: Onslow NC 28542–0004
Landholding Agency: Navy
Property Number: 779720010
Status: Unutilized
Reason: Secured Area; Extensive deterioration.

Bldg. 484
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720015
Status: Excess
Reason: Secured Area; Extensive deterioration.

Bldg. 3653
Marine Corps Air Station, Cherry Point
Havelock Co: Craven NC 28533–
Landholding Agency: Navy
Property Number: 779720016
Status: Excess
Reason: Secured Area; Extensive deterioration.

Pennsylvania

Former Albright House
Green Mountain Road
Appalachian National Scenic Trail
Mt. Holly Springs Co: Cumberland PA 17065–
Landholding Agency: Interior
Property Number: 619720038
Status: Excess
Reason: Extensive deterioration.

Former Albright Garage/Shed
Green Mountain Road
Appalachian National Scenic Trail
Mt. Holly Springs Co: Cumberland PA 17065–
Landholding Agency: Interior
Property Number: 619720039
Status: Excess
Reason: Extensive deterioration.

Tennessee

Bldgs. 301–302
Big South Fork
Jamestown Co: Fentress TN 38556–
Landholding Agency: Interior
Property Number: 619720028
Status: Excess
Reason: Extensive deterioration.

Texas

NPS Tract 105–78
Herrera Property
West Vestal Place
San Antonio Co: Bexar TX
Landholding Agency: Interior
Property Number: 619720044
Status: Unutilized
Reason: Extensive deterioration.

Virginia

Bldg. 501
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720011
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1258
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720012
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. 1441
Norfolk Naval Shipyard
Portsmouth VA 23709–5000
Landholding Agency: Navy
Property Number: 779720013
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Bldg. E25
Norfolk Naval Shipyard
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720017
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. L38
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720018
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. A67
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720019
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. Z86
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720020
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. P87
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720021
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. CEP160
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720022
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Bldg. Z357
Naval Base Norfolk
Norfolk VA 23511–
Landholding Agency: Navy
Property Number: 779720023
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material.

Washington

Bldg. 913
Naval Undersea Warfare Center
Keyport Co: Kitsap WA 98345–7610
Landholding Agency: Navy
Property Number: 779720014

Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration.

Land (by State)

Maine

37 Acres, Topsham Annex
Naval Air Station
Brunswick ME 04011–
Landholding Agency: Navy
Property Number: 779720001
Status: Unutilized
Reason: Secured Area.

[FR Doc. 97–10638 Filed 4–24–97; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Marine Mammals; Stock Assessment Reports

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of completion and availability of draft revised marine mammal stock assessment reports; request for comments.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), the Fish and Wildlife Service (FWS) has developed draft revised marine mammal stock assessment reports for the southern sea otter in California, the northern sea otter in Washington State, and the Florida and Antillean stocks of West Indian manatees from the southeastern United States and Puerto Rico, respectively. The draft revised reports are available for public review and comment. Copies of the revised guidelines upon which the reports are based are also available for review. FWS stock assessment reports for polar bears, Pacific walrus, and northern sea otters in Alaska are not being revised at this time.

DATES: Comments must be received by July 24, 1997.

ADDRESSES: Copies of the draft revised stock assessment reports and the revised guidelines are available from the Division of Fish and Wildlife Management Assistance, US Fish and Wildlife Service, Room 840–ARLSQ, 4401 N. Fairfax Drive, Arlington, Virginia 22203. Copies of the FWS's final 1995 stock assessment reports for polar bears, Pacific walrus, and northern sea otters in Alaska are also available from this same address.

Comments on the draft revised stock assessment reports for West Indian manatees should be sent to Robert Turner, Manatee Coordinator, US Fish and Wildlife Service, 6620 South Point Drive, South, Suite 310, Jacksonville, Florida 32216.

Comments on the draft revised stock assessment reports for southern sea otters in California and northern sea otters in Washington State should be sent to Carl Benz, Sea Otter Coordinator, US Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003.

Any new information, inquiries, or comments on the FWS's final stock assessment reports of October 4, 1995, for polar bears, Pacific walrus, and northern sea otters in Alaska should be sent to David McGillivary, Supervisor, Office of Marine Mammals Management, US Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, Alaska 99503.

FOR FURTHER INFORMATION CONTACT: Jeff Horwath in the FWS's Division of Fish and Wildlife Management Assistance, Arlington, Virginia at (703) 358–1718. For information about West Indian manatees, contact Robert Turner at (904) 232–2580 or FAX: (904) 232–2404. For information about southern sea otters in California and northern sea otters in Washington State, contact Carl Benz at (805) 644–1766 or FAX: (805) 644–3958. For information about polar bears, Pacific walrus, and northern sea otters in Alaska, contact David McGillivary at (907) 786–3800 or FAX: (907) 786–3816.

SUPPLEMENTARY INFORMATION: Section 117 of the MMPA (16 USC 1361–1407) required the FWS and the National Marine Fisheries Service (NMFS) to prepare stock assessment reports for each marine mammal stock that occurs in waters under the jurisdiction of the United States. In late 1995, the FWS issued final stock assessment reports as required, and announced their completion and public availability in a **Federal Register** notice on October 4, 1995 (60 FR 52008). These reports contained information regarding the distribution and abundance of the stocks, population growth rates and trends, estimates of human-caused mortality from all sources, descriptions of the fisheries with which the stocks interact, and the status of each stock.

Section 117 of the MMPA also requires the FWS and the NMFS, consistent with any new information that indicates that the status of a stock has changed or can be more accurately determined, to revise these reports annually for strategic stocks of marine mammals and every three years for stocks determined to be non-strategic. In accordance with these statutory provisions, the FWS has reviewed all eight of its final stock assessment reports from 1995, and determined that it would be appropriate at this time to revise reports for two stocks of west coast sea otters and two stocks of West Indian manatees in order to incorporate new information that was not available in 1995. Although the FWS has decided to revise these reports, the status of the four stocks has not changed. Both West Indian manatee stocks and the southern sea otter stock in California are still classified as strategic, while the northern sea otter stock in Washington State is still classified as non-strategic.

For polar bear, Pacific walrus, and northern sea otter in Alaska, the FWS has determined that no significant new information is available that would provide substantial benefit to these stocks, or necessitate revising stock assessment reports at this time. However, the FWS will continue to gather pertinent information on these stocks, and reconsider whether to revise these stock assessment reports during the next review/revision cycle. Individuals wishing to submit such information can do so by sending it to the name and address identified in the **ADDRESSES** Section above.

Table 1 in this notice summarizes (**in bold print**) the four draft revised stock assessment reports. The table lists the four stocks, their geographic range, regional designation, minimum abundance estimate, Potential Biological Removal level, annual estimated average human-caused mortality, and the status of the stock. Table 1 also repeats information from the FWS's **Federal Register** notice of October 4, 1995, for the four marine mammal stocks in Alaska for which the FWS has decided not to revise the stock assessment reports at this time.

Dated: April 18, 1997.

John G. Rogers,

Acting Director, Fish and Wildlife Service.

TABLE 1.—SUMMARY OF FWS STOCK ASSESSMENT REPORTS FOR MARINE MAMMALS THAT OCCUPY WATERS UNDER U.S. JURISDICTION. (NOTE: DRAFT REVISED STOCK ASSESSMENT DATA IS IN BOLD PRINT.)

Species	Stock area	SRG region	FWS region	$N_{(min)}$	$R_{(max)}$	$F_{(r)}$	PBR	Annual estimated average human-caused mortality	Annual fishing-caused mortality	Strategic status
West Indian manatee-Florida stock.	**Southeastern U.S.A..**	**ATL**	**4**	**2,229**	**0.04**	**0.1**	**4**	**49[1]**	**<1**	**Yes.**
West Indian manatee-Antillean stock.	**Puerto Rico**	**ATL**	**4**	**101**	**0.04**	**0.1**	**0**	**2**	**Unknown** ..	**Yes.**
Southern sea otter-California stock.	**Central California and San Nicolas Island.**	**PAC**	**1**	**2,295**	**0.06**	**0.1**	**[2]N/AP**	**Unknown[3]**	**Unknown[4]**	**Yes.**
Northern sea otter-Washington stock.	**Neah Bay to Destruction Island, WA.**	**PAC**	**1**	**430**	**0.12**	**0.5**	**12**	**Unknown[5]**	**Unknown[4]**	**No.**
Polar bear-Chukchi/Bering Seas stock.	Chukchi and Bering Seas-Alaska and Russia.	AKA	7	[6]N/AV	[6]N/AV	1.0	[6]N/AV	55	0	No.
Polar bear-Beaufort Sea stock.	Beaufort Sea-Alaska and Canada.	AKA	7	1,579	0.06	1.0	[7]72	63	0	No.
Sea otter-Alaska stock.	Alaska	AKA	7	100,000	0.2	1.0	10,000	506	<1	No.
Pacific walrus	Alaska and Russia	AKA	7	188,316	0.08	1.0	7,533	5,894	16	No.

[1] Estimated average human-caused mortality for the West Indian manatee-Florida stock from 1984 to 1992. The estimated average annual human caused mortality from 1974 to 1992 is 36 animals.

[2] N/AP indicates Not Applicable. Although the PBR level for the southern sea-California stock was calculated to be 6, their incidental take is not governed under Section 118 of the 1994 amendments to the Marine Mammal Protection Act.

[3] Unknown. Human-caused mortalities of sea otters have been attributed to drowning in gill nets and lobster/crab pots, shootings, boat collisions, disease, and oil spills. However, data are insufficient for estimating annual losses. See stock assessment report for additional information.

[4] Unknown. Observer coverage is inadequate to estimate annual fishery mortality.

[5] Unknown. Sea otters in Washington State are susceptible to the same sources of human-caused mortality as they are in California.

[6] N/AV indicates Not Available.

[7] Adjusted upwards to 72 animals from the calculated PBR of 48 to reflect the approximate 2 male: 1 female sex ratio of the harvest. See stock assessment report for additional information.

[FR Doc. 97–10738 Filed 4–24–97; 8:45 am]
BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Susan Boyer, Julian, CA. The applicant wishes to establish a cooperative breeding program for the Javan Hill Myna *(Gracula religiosa religiosa)* and the Sumatran Hill Myna *(Gracula religiosa robusta).* Ms. Boyer wishes to be an active particpant in this program with one other private individual. The American Federation of Aviculture, Inc. has assumed the responsibilty for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: April 22, 1997.

Susan Lieberman,

Chief, Branch of Operations, Office of Management Authority.

[FR Doc. 97–10776 Filed 4–24–97; 8:45 am]
BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–933–97–1990–00–24A]

Mining Claims Under the General Mining Laws; Surface Management: Forms of Legal Financial Guarantees Allowable Under Colorado State Law

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice of legal financial guarantees allowable under Colorado state law.

SUMMARY: The Bureau of Land Management (BLM) amended the surface management regulations at 43 CFR subpart 3809 on February 28, 1997 (62 FR 9093). The amendment requires each BLM State Director to consult with the appropriate State authorities to determine which financial instruments in section 43 CFR 3809.1–9(k) are allowable under State law.

EFFECTIVE DATE: This list is effective April 28, 1997.

ADDRESSES: Inquires should be sent to the Bureau of Land Management,

Colorado State Office, Division of Resource Services, Mining Law Administration Team, 2850 Youngfield Street, Lakewood, Colorado 80215.

FOR FURTHER INFORMATION CONTACT: Roy H. Drew, (303) 239–3772.

ALLOWABLE FINANCIAL INSTRUMENTS: The Bureau of Land Management has consulted with appropriate Colorado State authorities to determine which of the financial instruments in section 3809.1–9(k) are allowable under Colorado State law to satisfy the financial assurance requirements related to mining reclamation requirements. Colorado State law allows cash bonds, cash escrow accounts, corporate surety bonds, irrevocable letters of credit, certificates of deposit, deeds of trust and security agreements, self-insurance, individual reclamation funds, salvage credit, and first priority liens on project-related fixtures and equipment as forms of financial guarantees related to reclamation requirements.

Dated: April 21, 1997.

James E. Edwards,

Solid Minerals Group Leader.

[FR Doc. 97–10702 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–01–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–044–1430–01]

Notice of Proposed Modified Competitive Sale of Public Lands in Texas County, Oklahoma.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following described public land in Texhoma, Texas County, Oklahoma, has been examined and in accordance with section 7 of the Taylor Grazing Act, 43 U.S.C. 315f, and Executive Order No. 6964 are hereby classified for disposal by sale under the authority of section 203 of the Federal Land Policy and Management Act of 1976 (FLPMA), as amended (43 U.S.C. 1701, 1713). Method of sale will be through modified competitive seal bids. Sales will not be made at less than the fair market value as shown below and any bid for less than fair market value will be rejected. The Bureau of Land Management may accept or reject any and all offers or withdraw any land or interest in the land for sale if the sale would not be consistent with FLPMA or other applicable law or if the opinion of the Authorized Officer, consummation of the sale would not be in the best interest of the United States.

CIMARRON MERIDAN, OKLAHOMA

Tract	Legal description	Acres	Value
TX–50 OKNM 68915	T. 1S., R. 12 E., Sec. 5, lots 6 & 7, Blk. 4, Texhoma Townsite	0.161	$200.00
TX–51 OKNM 68916	T. 1 S., R. 12 E., Sec. 5, lot 27, Blk. 4, Texhoma Townsite	.067	100.00

DATES: For a period of 45 days from the date of this notice, interested parties may submit comments to the District Manager. Any adverse comments will be evaluated by the District Manager, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the District Manager, this realty action will become final determination of the Department of Interior. The 45-day comment period ends on June 9, 1997.

ADDRESSES: Sealed bids, delivered or mailed, must be received by the Bureau of Land Management, 221 N. Service Road, Moore, Oklahoma 73160–4946, by 10:00 a.m. Monday, June 30, 1997. The sealed bid envelope must be marked in the front lower left-hand corner with the words ''Sealed Bid, June 30, 1997 Public Land Sale, Tract TX–50'' or ''Sealed Bid, June 30, 1997 Public Land Sale, Tract TX–51.'' Comments and suggestions should be sent to: District Manager, Bureau of Land Management, 7906 E. 33rd Street, Tulsa, Oklahoma 74145–1352.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this sale can be obtained by contacting John Ledbetter, Realty Specialist, at (405) 790–1014.

SUPPLEMENTARY INFORMATION: The minimum acceptable bid is listed above. Sale will be conducted utilizing modified competitive sealed bidding pursuant to 43 CFR 2711.3–2. Mr. Robert Richards (fee owner of adjacent lots) will be allowed preference consideration to meet the highest qualifying bid. All bidders shall be United States citizens 18 years of age or older, or, in the case of a corporation, subject to the laws of any state of the United States. Proof of citizenship shall accompany the bid (ie., a copy of voters registration or birth certificate). Bids sent by mail must be in clearly marked, sealed envelopes. A separate written bid must be submitted for each tract. The sealed bids must be accompanied by a certified check, postal money order, bank draft, or cashiers check for at least twenty percent of the total bid, made payable to the USDI—Bureau of Land Management. All bids will be opened at 10:00 a.m. Monday, June 30, 1997. If two or more qualified sealed bids for the same amount are received, then the apparent high bidder will be determined by supplemental bidding. The apparent high bidder and the designated bidder (Mr. Robert Richards) will be notified immediately following the opening of the bids. If the designated bidder (Mr. Robert Richards) fails to exercise his preference consideration to meet the highest bid within 15 days of the sale, the BLM will offer the lands to the apparent high bidder. If the apparent high bidder is disqualified, the next highest qualified bid will be accepted. The successful bidder will be required to submit the remainder of the payment within 180 days of the date of the sale. Failure to pay the full bid price within 180 days shall result in the cancellation of the sale of the tract, and the deposit shall be forfeited and disposed of as other receipts of the sale. All bids will be either returned, accepted, or rejected within 30 days of the sale date.

If the identified parcels are not sold, they will be available for sale by sealed bid for six months following the sale date. The sealed bids will be opened at 10:00 a.m. the first Tuesday of each of the subsequent six months, August 1997 through January 1998. Publication of this notice will segregate the land from all appropriation, under the public land laws for 270 days, or until issuance of patent, or the segregation is terminated by publication in the **Federal Register,** whichever occurs first.

The lands, when patented, will be subject to the following terms, reservations and restrictions:

1. A reservation to the United States for ditches and canals.

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine, and remove the minerals.

3. Title will be issued by a patent subject to all prior valid existing rights.

Dated: April 21, 1997.

Sherry Barnett,

Associate District Manager.

[FR Doc. 97–10703 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–930–1430–01; N–59476]

Partial Cancellation of Proposed Withdrawal; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice cancels a withdrawal application insofar as it affects 4,344.238 acres of public land. The application was filed on April 14, 1995, by the Bureau of Land Management and it has been determined that the land is not needed for the withdrawal.

EFFECTIVE DATE: April 25, 1997.

FOR FURTHER INFORMATION CONTACT: Dennis J. Samuelson, BLM Nevada State Office, P.O. Box 12000, Reno, Nevada 89520, 702–785–6532.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published as FR Doc. 95–9188 in the **Federal Register**, 60 FR 19079–19080, April 14, 1995, for the Bureau of Land Management to protect resources in the Pah Rah Range pending completion of land use planning. After conducting a public meeting and completing an environmental assessment, the Bureau of Land Management determined that certain land is not needed in connection with the protection of the Pah Rah Range. The land is described as follows:

Mount Diablo Meridian, Nevada

T. 21 N., R. 23 E.,
- Sec. 10, lots 9 to 16, inclusive;
- Sec. 11, lots 1 to 8, inclusive;
- Sec. 14, lots 1 to 16, inclusive, (excluding MS 4193);
- Sec. 15, lots 1 to 16, inclusive, (excluding MS 4209);
- Sec. 16, lots 1 to 16, inclusive, (excluding MS 4209);
- Sec. 17, lots 1 to 2, inclusive;
- Sec. 19, lots 5 to 9, inclusive;
- Sec. 20, lots 3 to 18, inclusive, (excluding MS 2575, MS 2591, MS 4325);
- Sec. 21, lots 1 to 16, inclusive;
- Sec. 22, lots 1 to 8, inclusive.

The area described contains 4,344.238 acres in Washoe County.

The segregative effect associated with the application terminated in accordance with the notice published as FR Doc. 95–9188 in the **Federal Register**, 60 FR 19079–19080, April 14, 1995. The land described above is now open to surface entry and mining.

Dated: April 15, 1997.

William K. Stowers,

Lands Team Lead.

[FR Doc. 97–10683 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF JUSTICE

[OJP (OJJDP) –1130]

RIN 1121–ZA76

Meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of meeting.

SUMMARY: A meeting of the Coordinating Council on Juvenile Justice and Delinquency Prevention will take place in the District of Columbia, beginning at 1 p.m. on Tuesday, May 27, 1997 and ending at 5 p.m. on May 27, 1997. This advisory committee, chartered as the Coordinating Council on Juvenile Justice and Delinquency Prevention, will meet at the National Endowment for the Arts, located at 1100 Pennsylvania Avenue, NW. (The Nancy Hanks Center in the Old Post Office Pavilion), Conference Room M09, Washington, DC 20506. The Coordinating Council, established pursuant to section 3(2)A of the Federal Advisory Committee Act (5 U.S.C.) App. 2), will meet to carry out its advisory functions under section 206 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. This meeting will be open to the public. For security reasons, members of the public who are attending the meeting must contact the Office of Juvenile Justice and Delinquency Prevention (OJJDP) by close of business May 13, 1997.

DATES: The meeting will begin at 1 p.m. on Tuesday, May 27, 1997 and end at 5 p.m. on May 27, 1997.

ADDRESSES: The meeting will be held at the National Endowment for the Arts, located at 1100 Pennsylvania Avenue, N.W. (The Nancy Hanks Center in the Old Post Office Pavilion), Conference Room M09, Washington, DC 20506.

FOR FURTHER INFORMATION CONTACT: The point of contact at OJJDP is Lutricia Key, (202) 307–5911.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 97–10765 Filed 4–24–97; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Submission for OMB Emergency Review; Comment Request

April 22, 1997.

The Department of Labor has submitted the following (see below) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35). OMB approval has been requested by May 6, 1997. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Theresa M. O'Malley (202) 219–5096 x143.

Comments and questions about the ICR listed below should be forwarded to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Employment and Training Administration, Office of Management and Budget, Room 10235, Washington, DC 20503 (202) 395–7316.

The Office of Management and Budget is particularly interested in comments which:

* evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

* evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

* enhance the quality, utility, and clarity of the information to be collected; and

* minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

Agency: Employment and Training Administration.

Title: Summer Youth Employment and Training Program.

OMB Number: 1205-0new.

Frequency: Other (plan/mid/end of summer).

Affected Public: State, Local, or Tribal Government.

Number of Respondents: 696.

Estimated Time Per Respondent: 2 hours.

Total Burden Hours: 4,176.

Total Burden Cost (capital/startup): 0.

Total Burden Cost (operating/maintaining): 0.

Description: The Employment and Training Administration (ETA) has oversight responsibilities for the Summer Youth Employment Training Program (SYETP) under the Job Training Partnership Act (JTPA) (Pub. L. 102–376). As part of this oversight effort, the summer enrollment levels will be monitored. The State and service delivery area enrollment data, collected on June 2, and July 15 will include planned enrollment, a ''best estimate'' total cumulative enrollment, a ''best estimate'' of the number of enrolled in educational services and types of jobs performed. This enrollment data will reflect only those participants who have been enrolled in an educational and/or work experience-type activity. Those youth who receive only objective assessment and individual service strategy services will not be included in the enrollment reports.

Theresa M. O'Malley,

Departmental Clearance Officer.

[FR Doc. 97–10700 Filed 4–24–97; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act and Work Opportunity Tax Credit; Lower Living Standard Income Level

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determination of lower living standard income level.

SUMMARY: The Job Training Partnership Act (JTPA) provides that the term ''economically disadvantaged'' may be defined as 70 percent of the ''lower living standard income level'' (LLSIL). To provide the most accurate data possible, the Department of Labor is issuing revised figures for the LLSIL. The Internal Revenue Code also provides that the term ''economically disadvantaged'' may be defined as 70 percent of the LLSIL for purposes of the Work Opportunity Tax Credit (WOTC).

EFFECTIVE DATE: This notice is effective on April 25, 1997.

ADDRESSES: Send written comments to: Mr. Ron Putz, Office of Employment and Training Programs, Employment and Training Administration, Department of Labor, Room N–4463, 200 Constitution Avenue NW., Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Putz, Telephone: 202–219–5305 (this is not a toll free number).

SUPPLEMENTARY INFORMATION: It is a purpose of the Job Training Partnership Act (JTPA) ''to establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the work force and enhancing the productivity and competitiveness of the Nation.'' JTPA Section 2 and 20 CFR 626.1. JTPA Section 4(8) defines, for the purposes of JTPA eligibility, the term ''economically disadvantaged'' in part by reference to the ''lower living standard income level'' (LLSIL).

The LLSIL figures published in this notice shall be used to determine whether an individual is economically disadvantaged for applicable JTPA purposes. JTPA Section 4(16) defines the LLSIL as follows:

The term ''lower living standard income level'' means that income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary [of Labor] based on the most recent ''lower living family budget'' issued by the Secretary.

Internal Revenue Code (I.R.C.) Section 51 established the Work Opportunity Tax Credit (WOTC) for a portion of the wages paid by employers from ''targeted'' groups. The LLSIL figures published in this notice shall be used to determine whether an individual is a member of one of the targeted groups for applicable WOTC purposes.

The most recent lower living family budget was issued by the Secretary in the fall of 1981. Using those data, the 1981 LLSIL was determined for programs under the now-repealed Comprehensive Employment and Training Act, and for the WOTC. The four-person urban family budget estimates previously published by the Bureau of Labor Statistics (BLS) provided the basis for the Secretary to determine the LLSIL for training and employment program operators. BLS terminated the four-person family budget series in 1982, after publication of the Fall 1981 estimates.

Inder JTPA, the Employment and Training Administration (ETA) published the 1996 updates to the LLSIL in the **Federal Register** of April 3, 1996. 61 FR 14824. ETA has again updated the LLSIL to reflect cost of living increases for 1996 by applying the percentage change in the December 1996 Consumer Price Index for All Urban Consumers (CPI–U), compared with the December 1995 CPI–U, to each of the April 3, 1996, LLSIL figures. Those updated figures for a family of four are listed in Table 1 below by region for both metropolitan and nonmetropolitan areas. Since eligibility is determined by family income at 70 percent of the LLSIL, pursuant to Section 4(8) of JTPA, those figures are listed below as well.

Jurisdictions included in the various regions, based generally on Census Divisions of the U.S. Department of Commerce, are as follows:

Northeast

Connecticut
Maine
Massachusetts
New Hampshire
New Jersey
New York
Pennsylvania
Rhode Island
Vermont
Virgin Islands

Midwest

Illinois
Indiana
Iowa
Kansas
Michigan
Minnesota
Missouri
Nebraska
North Dakota
Ohio
South Dakota
Wisconsin

South

Alabama
American Samoa
Arkansas
Delaware
District of Columbia
Florida
Georgia
Northern Marianas
Oklahoma
Palau
Puerto Rico
South Carolina
Kentucky
Louisiana
Marshall Islands
Maryland

Mississippi
Micronesia
North Carolina
Tennessee
Texas
Virginia
West Virginia

West

Arizona
California
Colorado
Idaho
Montana
Nevada
New Mexico
Oregon
Utah
Washington
Wyoming

Additionally, separate figures have been provided for Alaska, Hawaii, and Guam as indicated in Table 2 below.

For Alaska, Hawaii, and Guam, the 1997 figures were updated by creating a ''State Index'' based on the ratio of the urban change in the State (using Anchorage for Alaska and Honolulu for Hawaii and Guam) compared to the West regional metropolitan change, and then applying that index to the West regional nonmetropolitan change.

Data on 25 selected Metropolitan Statistical Areas (MSAs) are also available. These are based on monthly, bimonthly or semiannual CLI–U changes for a 12-month period ending in December 1996. The updated LLSIL figures for these MSAs, and 70 percent of the LLSIL, rounded to the next highest ten, are set forth in Table 3 below.

Table 4 below is a listing of each of the various figures at 70 percent of the updated 1997 LLSIL for family sizes of one to six persons. For families larger than six persons, an amount equal to the difference between the six-person and the five-person family income levels should be added to the six-person family income level for each additional person in the family. Where the poverty level for a particular family size is greater than the corresponding LLSIL figure, the figure is indicated in parentheses.

Section 4(8) of JTPA defines ''economically disadvantaged'' as, among other things, an individual whose family income was not in excess of the higher of the poverty level or 70 percent of the LLSIL. The Department of Health and Human Services published the annual update of the poverty-level guidelines at 62 FR 10856 (March 10, 1997).

Use of These Data

Based on these data, Governors should provide the appropriate figures to service delivery areas (SDAs), State Employment Security Agencies, and employers in their States to use in determining eligibility for JTPA and WOTC. The Governor should designate the appropriate LLSILs for use within the State from Tables 1 through 3. Table 4 may be used with any of the levels designated.

Information may be provided by disseminating information on MSAs and metropolitan and nonmetropolitan areas within the State, or it may involve further calculations. For example, the State of New Jersey may have four or more figures: Metropolitan, nonmetropolitan, for portions of the State in the New York City MSA, and for those in the Philadelphia MSA. If an SDA includes areas that would be covered by more than one figure, the Governor may determine which is to be used. Pursuant to the JTPA regulations at 20 CFR 627.200, guidelines, interpretations, and definitions adopted by the Governor shall be accepted by the Secretary to the extent that they are consistent with the JTPA and the JTPA regulations.

Disclaimer on Statistical Uses

It should be noted that the publication of these figures is only for the purpose of determining eligibility for applicable JTPA and WOTC programs. BLS has not revised the lower living family budget since 1981, and has no plans to do so. The four-person urban family budget estimates series has been terminated. The CPI–U adjustments used to update the LLSIL for this publication are not precisely comparable, most notably because certain tax items were included in the 1981 LLSIL, but are not in the CPI–U.

Thus, these figures should not be used for any statistical purposes, and are valid only for eligibility determination purposes under the JTPA and WOTC programs.

Signed at Washington, DC, this 21st day of April, 1997.

Theodore Mastroianni,

Administrator, Office of Job Training Programs.

BILLING CODE 4510–30–M

Appendix

Table 1 -- Lower Living Standard Income Level By Region [1]

Region	1997 Adjusted LLSIL	70 percent LLSIL
Northeast		
Metro	27,730	19,410
Non-Metro	27,760	19,430
Midwest		
Metro	25,790	18,050
Non-Metro	24,640	17,250
South		
Metro	24,440	17,110
Non-Metro	23,150	16,210
West		
Metro	27,030	18,920
Non-Metro	26,920	18,850

[1] For ease of calculation, these figures have been rounded to the next highest ten dollars.

Table 2 -- Lower Living Standard Income Level -- Alaska, Hawaii and Guam[1]

Region	1997 Adjusted LLSIL	70 percent LLSIL
Alaska:		
Metro	35,010	24,510
Non-Metro	34,070	23,850
Hawaii-Guam:		
Metro	37,290	26,110
Non-Metro	36,290	25,410

[1] Rounded to the next highest ten dollars.

Table 3 -- Lower Living Standard Income Level -- 25 MSAs [1]

Region MSA	1997 Adjusted LLSIL	70 percent LLSIL
Anchorage, AK	35,010	24,510
Atlanta, GA	24,510	17,160
Baltimore, MD	25,690	17,990
Boston-Lawrence-Salem, MA/NH	29,020	20,320
Buffalo-Niagara Falls, NY	25,210	17,650
Chicago-Gary-Lake County, IL/IN/WI	26,810	18,760
Cincinnati-Hamilton, OH/KY/IN	25,730	18,010
Cleveland-Akron-Lorain, OH	26,430	18,500
Dallas-Ft Worth, TX	23,240	16,270
Denver-Boulder, CO	26,350	18,450
Detroit-Ann Arbor, MI	24,640	17,250
Honolulu, HI	37,290	26,110
Houston-Galveston-Brazoria, TX	22,650	15,860
Kansas City, MO/KS	24,900	17,430
Los Angeles-Anaheim-Riverside, CA	27,770	19,440
Milwaukee, WI	25,980	18,190
Minneapolis-St Paul, MN/WI	25,070	17,550
New York-Northern N.J.-Long Island, NY/NJ/CT	28,820	20,180
Philadelphia-Wilmington-Trenton, PA/NJ/DE/MD	27,040	18,930
Pittsburgh-Beaver Valley, PA	25,850	18,090
St Louis-East St Louis, MO/IL	24,810	17,370
San Diego, CA	28,200	19,740
San Francisco-Oakland-San Jose, CA	27,800	19,460
Seattle-Tacoma, WA	29,250	20,740
Washington, DC/MD/VA	29,440	20,610

[1] Rounded to the next highest ten dollars.

Table 4--SEVENTY PERCENT OF UPDATED 1997 LLSIL, BY FAMILY SIZE [1]

Family of One	Two	Three	Four	Five	Six
(5,710)	(9,360)	(12,850)	(15,860)	(18,720)	21,890
(5,840)	(9,570)	(13,130)	16,210	19,130	22,370
(5,860)	(9,600)	(13,180)	16,270	19,300	22,460
(6,160)	(10,100)	13,860	17,110	20,190	23,620
(6,180)	(10,130)	13,900	17,160	20,250	23,690
(6,210)	(10,180)	13,980	17,250	20,360	23,810
(6,260)	(10,250)	14,070	17,370	20,500	23,980
(6,280)	(10,290)	14,120	17,430	20,570	24,060
(6,320)	(10,360)	14,220	17,550	20,710	24,220
(6,360)	(10,420)	14,300	17,650	20,830	24,360
(6,480)	10,620	14,580	17,990	21,230	24,830
(6,490)	10,630	14,590	18,010	21,260	24,860
(6,500)	10,650	14,630	18,050	21,300	24,910
(6,550)	10,740	14,740	18,190	21,470	25,110
(6,650)	10,890	14,950	18,450	21,780	25,470
(6,660)	10,920	14,990	18,500	21,830	25,530
(6,760)	11,070	15,200	18,760	22,140	25,890
(6,790)	11,130	15,270	18,850	22,250	26,020
(6,820)	11,170	15,330	18,920	22,330	26,110
(6,820)	11,170	15,340	18,930	22,340	26,130
(6,990)	11,460	15,730	19,410	22,910	26,790
(7,000)	11,470	15,740	19,430	22,930	26,820
(7,000)	11,470	15,750	19,440	22,940	26,830
(7,010)	11,490	15,770	19,460	22,970	26,860
(7,110)	11,650	15,990	19,740	23,300	27,250
(7,270)	11,910	16,350	20,180	23,820	27,850
(7,320)	11,990	16,460	20,320	23,980	28,050
(7,380)	12,090	16,590	20,480	24,170	28,270
(7,420)	12,160	16,700	20,610	24,320	28,450
8,590	14,080	19,320	23,850	28,150	32,920
8,830	14,470	19,860	24,510	28,930	33,830
9,150	15,000	20,590	25,410	29,990	35,070
9,400	15,410	21,150	26,110	30,810	36,040

1 Figures provided in Tables 1–3 of this notice are for a family of four persons. To use Table 4, the appropriate figure should be found in the Family of Four column; then one may read across the row for family sizes other than four in the appropriate column.

[FR Doc. 97–10699 Filed 4–24–97; 8:45 am]
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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 97–3]

Copyright Restoration of Works in Accordance With the Uruguay Round Agreements Act; List Identifying Copyrights Restored Under the Uruguay Round Agreements Act for Which Notices of Intent To Enforce Restored Copyrights Were Filed in the Copyright Office

AGENCY: Copyright Office, Library of Congress.

ACTION: Publication of Fourth List of Notices of Intent to Enforce Copyrights Restored Under the Uruguay Round Agreements Act.

SUMMARY: The Copyright Office is publishing its fourth list of restored copyrights for which it has received and processed Notices of Intent to Enforce a copyright restored under the Uruguay Round Agreements Act. Publication of the lists creates a record for the public to identify copyright owners and works whose copyright has been restored for which Notices of Intent to Enforce have been filed with the Copyright Office.

EFFECTIVE DATE: April 25, 1997.

FOR FURTHER INFORMATION CONTACT: Nanette Petruzzelli, Acting General Counsel, or Charlotte Douglass, Principal Legal Advisor to the General Counsel, Copyright GC/I&R, Post Office Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

I. Background

The Uruguay Round General Agreement on Tariffs and Trade and the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465; 108 Stat. 4809 (1994)) provide for the restoration of copyright in certain works that were in the public domain in the United States. Under section 104A of title 17 [1] of the United States Code as provided by the URAA, copyright protection was restored on January 1, 1996, in certain works by foreign nationals or domiciliaries of World Trade Organization (WTO) or Berne countries that were not protected under the copyright law for the reasons listed below in (2). Specifically, for restoration of copyright, a work must be an original work of authorship that:

(1) is not in the public domain in its source country through expiration of term of protection;

(2) is in the public domain in the United States due to:

(i) noncompliance with formalities imposed at any time by United States copyright law, including failure of renewal, publishing the work without a proper notice, or failure to comply with any manufacturing requirements;

(ii) lack of subject matter protection in the case of sound recordings fixed before February 15, 1972; or

(iii) lack of national eligibility (e.g., the work is from a country with which the United States did not have copyright relations at the time of the work's publication); and

(3) has at least one author (or in the case of sound recordings, rightholder) who was, at the time the work was created, a national or domiciliary of an eligible country. If the work was published, it must have been first published in an eligible country and not published in the United States within 30 days of first publication. *See* 17 U.S.C. 104A(h)(6). A work meeting these requirements is protected ''for the remainder of the term of copyright that the work would have otherwise been granted in the United States if the work never entered the public domain in the United States.'' 17 U.S.C. 104A(a)(1)(B).

Although the copyright owner may immediately enforce the restored copyright against individuals who infringe his or her rights on or after the effective date of restoration, the copyright owner's right to enforce the restored copyright is delayed against reliance parties. Typically, a reliance party is one who was already using the work before December 8, 1994, the date the URAA was enacted. *See* 17 U.S.C. 104A(h)(4). Before a copyright owner can enforce a restored copyright against a reliance party, the copyright owner must file a Notice of Intent (NIE) with the Copyright Office or serve an NIE on such a party.

An NIE may be filed in the Copyright Office within two years of the date of restoration of copyright. Alternatively, an NIE may be served on an individual reliance party at any time during the term of copyright; however, such notices are effective only against the party served and those who have actual knowledge of the notice and its contents. NIEs appropriately filed with the Copyright Office and published herein serve as constructive notice to all reliance parties.

II. Administrative Processing

Pursuant to the URAA, the Office is publishing its fourth four-month list identifying restored works for notices of intent to enforce a restored copyright filed with the Office. 17 U.S.C. 104A(e)(1)(B). The earlier lists were published on May 1, 1996, August 30, 1996, and December 27, 1996. 61 FR 19372 (May 1, 1996), 61 FR 46134 (Aug. 30, 1996), and 61 FR 68454 (Dec. 27, 1996). We have published only the names of the owners and the titles listed in the NIEs because that is all that is required by law. The funds needed to include any additional information are not available. The NIEs listed herein are those entered into the public records of the Office between December 6, 1996, and April 11, 1997. To allow for processing NIE information, the Office closes the record for publication approximately two weeks before publication. Accordingly, the cutoff date for publication in the fifth NIE list on August 22, 1997, will be on or about August 8. The cutoff date for publication of the sixth NIE list on December 19, 1997, will be on or about December 5. NIEs received in the Office after this cutoff date and on or before December 31, 1997, will be published on the seventh NIE list appearing in the **Federal Register**. The Copyright Office will not publish title and ownership information from an NIE received in the Office after expiry of the 24-month period beginning on the date of restoration of that particular work, as reflected by the source country given on the NIE. *See* 17 U.S.C. 104A(d)(2)(1994).

III. On-line Availability of NIE Lists

Using the information provided herein, one may search the Office's database to obtain additional information about a particular NIE. NIEs are located in what is known as the Copyright Office History Documents (COHD) file. This file is available from computer terminals located in the Copyright Office itself or from terminals located in other parts of the Library of Congress through the Library of Congress Information System (LOCIS). Alternative ways to connect through Internet are (i) the World Wide Web (WWW), using the Copyright Office Home Page at: http://www.loc.gov/copyright; (ii) connect directly to LOCIS through the telnet address at locis.loc.gov; or (iii) use the Library of Congress gopher LC MARVEL at: marvel.loc.gov port 70. LC MARVEL and WWW are available 24 hours a day. LOCIS is available 24 hours a day Monday through Friday, Eastern Time; Saturday, until 5 p.m.; and Sunday after

[1] The URAA's amendment of 17 U.S.C. 104A replaces section 104A under the North American Free Trade Agreement Implementation Act (Pub. L. No. 103–182, 107 Stat. 2057, 2115 (1993)). The Uruguay Round Trade Agreements, Texts of Agreements, Implementing Bill, Statement of Administrative Action, and Required Supporting Statements, H.R. Doc. No. 316, 103d Cong., 2d Sess. 324 (1994). See 60 FR 50414 (Sept. 29, 1995).

11 a.m.[2] Information available online includes: the title or brief description if untitled; an English translation of the title; the alternative titles if any; the name of the copyright owner or owner of one or more exclusive rights, the date of receipt of the NIE in the Copyright Office; the date of publication in the **Federal Register**; and the address, telephone and telefax number of the copyright owner. If given on the NIE, the online information will also include the author, the type of work, and the rights covered by the notice. *See* 37 CFR 201.33(f). For the purpose of researching the full Office record of NIEs on the Internet, the Office has made online searching instructions accessible through the Copyright Office Home Page. Researchers can access them through the Library of Congress Home Page on the World Wide Web by selecting the copyright link. Select the menu item ''Copyright Office Records'' and/or ''URAA, GATT Amends U.S. law.'' Finally, images of the complete NIEs as filed are on optical disc and available from the Copyright Office.

The following restored works are listed alphabetically by copyright owner; multiple works owned by a particular copyright owner are listed alphabetically by title. Works having more than one copyright proprietor are listed under the first owner and cross-referenced to the succeeding owner(s). A cross-reference to the composite owner (e.g., Title I owned by ''A B & C'') will state, ''SEE A B & C'' at the listing for each individual owner, (e.g., for Owner A, for Owner B and for Owner C).

IV. Fourth List of Notices of Intent to Enforce

Andre, Isabelle Brel. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel & Isabelle Brel Andre.
Avalon Films, Pty. Ltd.
  Summer city.
Barfield, Arthur Owen, executor of the C. S. Lewis Estate, C. S. Lewis PTE, Ltd., Harper Collins Publishers, Ltd. & Simon & Schuster, Inc.
  Broadcast talks (the case for Christianity).
  The Pilgrim's regress.
  The problem of pain.
  The screwtape letters.
Bollore Technologies, SA.
  Zig Zag cigarette paper packaging no. 125.
Brel, Chantal. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel & Isabelle Brel Andre.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel & Isabelle Brel Andre.
  La caporal casse-pompon.
  Les crocodiles.
  La fanette.
  Le plat pays.
  Zangra.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Francois Rauber.
  Chansons sans paroles.
  La statue.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & G. Wagenheim.
  Ce qu'il vous faut.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Gerard Jouannest.
  Les biches.
  Marieke.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Glen Powell.
  Il peut pleuvoir sur les trottoirs des Grands Boulevard.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Jean Corti.
  Les bourgeois.
Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Steve Kirk.
  Il pleut.
Brook Richleau, Ltd.
  Black August.
  The Black Baroness.
  Codeword—golden fleece.
  Come into my parlour.
  Contraband.
  The Devil rides out.
  The Eunuch of Stamboul.
  The fabulous valley.
  Faked passports.
  The forbidden territory.
  The Golden Spaniard.
  Gunmen, gallants and ghosts.
  The haunting of Toby Jugg.
  The Ka of Gifford Hillary.
  The launching of Roger Brook.
  The man who killed the king.
  The man who missed the war.
  Old Rowley.
  The prisoner in the mask.
  The quest of Julian Day.
  The rape of Venice.
  Red eagle.
  The rising storm.
  The scarlet imposter.
  The second seal.
  The secret war.
  The shadow of Tyburn tree.
  Sixty days to live.
  Star of ill omen.
  Strange conflict.
  Stranger than fiction.
  Such power is dangerous.
  The sword of fate.
  They found Atlantis.
  Three inquisitive people.
  Traitor's gate.
  Uncharted seas.
  V for vengeance.
  Vendetta in Spain.
CAM, SRL.
  7 golden men.
  7 golden men strike again.
  8½
  Bebo's girl.
  La cage aux folles I.
  La cage aux folles II.
  La citta delle donne.
  The clowns.
  Deserto rosso.
  La dolce vita.
  Falstaff.
  Fellini's Casanova.
  Histoire d'O.
  Juliet of the spirits.
  The leopard.
  Mondo cane.
  La notte di San Lorenzo.
  Orchestra rehearsal.
  Providence.
  Rocco and his brothers.
  Seduced and abandoned.
  The Sicilian Clan.
Capac.
  Les borgnes sont rois.
  Le grand amour.
  Le haricot.
  Heureux anniversaire.
  La pince a ongles.
  Rupture.
  Le soupirant.
  Tant qu'on a la sante.
  Yoyo.
Cardona Chavez, Rene.
  Alarido del terror.
  Historias espeluznantes.
Casa Ricordi-BMG Ricordi, SPA (former: G. Ricordi & C, SPA).
  Atlantida.
  Ballada de Mallorca.
  Pour le tombeau de Paul Dukas.
Chester Music, Ltd.
  Cuarto madrigales amatorios.
  Ritual fire dance.
Cinematografica Rodriguez, SA de CV.
  Que bravas son las costenas.
  Campeones del ring.
  Capilla ardiente.
  De la peor ralea.
  Erotikon.
  La gallera.
  La muerte tambien cabalga.
  La recta final.
  Santo contra las mujeres vampiro.
  Las sicodelicas.
  Tetakawi.
  La tierna infancia.
  Un toro me llama.
Cogelda.
  Porte des Lilas.
Columbia Pictures Corporation, Ltd.
  A volar joven.
  Abajo el telon.

[2] Not all files are available after 9:30 p.m. on weekdays. On Sundays, all files may not be available from 5 p.m.–8 p.m.

El bolero de Raquel.
El bombero atomico.
Caballero a la medida.
El circo.
Un dia con el diablo.
El gendarme desconocido.
Gran Hotel.
El mago.
Ni sangre ni arena.
El portero.
Romeo y Julieta.
El senor fotografo.
Si yo fuera diputado.
El siete machos.
Soy un profugo.
El supersabio.
Los tres mosqueteros.

Corti, Jean. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Jean Corti.

Creazioni Artistiche Musicali, SRL. SEE CAM, SRL.

Delta Ventures, Ltd.
Hercules.

Dheran, Nicole.
Piege pour un homme seul.

Duran, Rafael Rosales. SEE Rosales Duran, Rafael.

Feliu, Artugro A.
EL Baile.
Rigo.
Vivir para amar.

Filmadora Panamerica, SA.
24 hoars de placer.
Al compas del rock and roll.
Amor de los amores.
El asesino invisible.
Los desvergonzados.
Fiebre de juventud.
Los malvados.
Peligro mujeres en accion.
Por ti aprendi a querer.
Santo en el museo de cera.
Santo vs. las mujeres vampiro.
Santo vs. los zombies.
Senda prohibida.
Siete pecados.
SOS conspiracion bikini.

Filmadora Panamericana, SA.
Johnny Chicano.
Viva la risa 1.
Viva la risa 2.

Films Ariane.
La vie de chateau.

Friedrich Wilhelm-Murnau-Stiftung, legal successor of Terra-Filmkunst GmbH (Germany).
Der Mann, der sich verkauft.
Wenn du einmal dein herz verschenkst.

Frontera Films, SA.
Mas alla del deseo.

G. Ricordi & C, SPA. SEE Casa Ricordi-BMG Ricordi, SPA (former: G. Ricordi & C, SPA).

GC DAI. SEE UGC DA International (UGC DAI).

Gilson, France Brel. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel & Isabelle Brel Andre.

Greenwich Film Production.
Le passager de la pluie.

Grillet, Alain Robbe-. SEE Robbe-Grillet, Alain.

Harcourt Brace & Company.
The art of Donald McGill.
Boys' weeklies.
Charles Dickens.
A clergyman's daughter.
Coming up for air.
England, your England.
A hanging.
Homage to Catalonia.
How the poor die.
In defense of P.G. Wodehouse.
Inside the whale.
Keep the aspidistra flying.
Lear, Tolstoy and the Fool.
Looking back on the Spanish War.
Marrakech.
Notes on nationalism.
Poetry and the microphone.
Politics and the English language.
Politics vs. literature: an examination of ''Gulliver's travels.''
The prevention of literature.
Raffles and Miss Blandish.
The road to Wigan Pier.
Rudyard Kipling.
Second thoughts on James Burnham.
Shooting an elephant.
W.B. Yeats.
Wells, Hitler and the world state.
Why I write.
Writers and Leviathan.

HarperCollins Publishers, Ltd. SEE Barfield, Arthur Owen, executor of the C.S. Lewis Estate of, C.S. Lewis PTE, Ltd., Harper Collins Publishers, Ltd. & Simon & Schuster, Inc.

Initial Groupe.
Le miracule.

Italian Book Corporation.
A tazza 'e cafe.
A vucchella.

Jouannest, Gerard. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Gerard Jouanne.

Kirk, Steve. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Steve Kirk.

Les Films Du Carrosse & Les Productions Artistes Associes.
L' enfant sauvage.
La mariee etait en noir.
La Sirene du Mississipi.

Les Films Du Carrosse.
Antoine et Colette.
Baisers voles.
Domicile conjugal.
Hotel du nord.
Mata-hari agent H.21.
Nuits moscovites.
Paris nous appartient.
Remorques.
Tarass boulba.
Tire-au-flanc.

Les Productions Artistes Associes. SEE Les Films Du Carrosse & Les Productions Artistes Associes.

Lewis (C.S.) PTE, Ltd. SEE Barfield, Arthur Owen, executor of the C.S. Lewis Estate, C.S. Lewis PTE, Ltd., Harper Collins Publishers, Ltd. & Simon & Schuster, Inc.

Lumiere.
Police python 357.

Madeleine Films.
Le grand meaulnes.

Marks (Edward B.) Music Company & Edward B. Marks.
Lili Marleen.

Marks, Edward B. SEE Marks (Edward B.) Music Company & Edward B. Marks.

Mosfilm Studios.
31 iyunia.
A unas byla tishina.
Adam i Heva.
Adiutant ego prevoshoditelstva.
Admiral Nakhimov.
Admiral ushakov.
Afonya.
Agoniya.
Akademik is askanii.
Alie parusa.
Alimanakh korotkometrazhnikh filmov.
Alioshkina lubov.
Almazi olia marii.
Alyonka.
Andrei Rublev.
Anna Karenina.
Annushka.
Antratsit.
Apassionata.
Arena smelih.
Arena.
Attestat zrelosti.
Au-u!
Avariya.
Avtomobil, skripka i sobaka kliaksa.
Aybolit—66.
Babiye tsarstalo.
Balerina.
Ballada o soldate.
Balladao komissare.
Barkhatniy sezon.
Beg inohodtsa.
Beg.
Begstvo mistera mak-kinly.
Belie nochi.
Belorussky vokzal.
Beloye solntse pustini.
Berega.
Beregis altomobilya.
Beshenoye zoloto.
Bespokoinoe hoziaystro.
Bessmertniy garnizow.
Besstrashniy ataman.
Bey baraban.
Bez prava na oshibku.
Bez straha i upreka.

Bez trekh minut rovno.
Bezomsovschina.
Bezumniy den.
Bitva v puti.
Blizkaya dal.
Bolishaya doroga.
Bolishaya peremena.
Bolishaya ruda.
Bolshaya Peremena.
Bolshoy attraktsion.
Bolshoy kontsert.
Borets i kloun.
Boris godunov.
Boy polse pobedi.
Boy s tenyu.
Bratiya karamazovi.
Bratiya vasiliyevi.
Brilliantovaya ruka.
Byatdesiat na pyatdesiat.
Cemeynde schastiye.
Chayka.
Chaykovskiy.
Chelovek bez pasporta.
Chelovek cheloveku.
Chelovek kotorogo ya lublu.
Chelovek kottoriy somnevaetsia.
Chelovek na svoyom meste.
Chelovek neotkuda.
Chelovek rodilsia.
Chelovek v shtatskom.
Cherniy prints.
Chetvero.
Chetvertiy.
Chili-vremya borbi, vbemya trevog.
Chiort s portfelem.
Chipollino.
Chistie prudi.
Chisto angliyskoye ubiystvo.
Chistoye nebo.
Chrniy biziness.
Chudniy kharakter.
Chudo s kosichkami.
Chudotvornaya.
Da zdravstvuyet Mexica!
Dacha.
Dachniki.
Daleko na zapade.
Daleko ot Moskvi.
Dayte zhalobnuyu knigu.
Dela serdechniye.
Delo no306.
Delo pestrih.
Deloviye ludi.
Den molodogo cheloveka.
Dersu uzala.
Desni molodosti.
Desnia rodnoy storoni.
Deti Don-Kihota.
Deti vanyushina.
Devchata.
Deviat oney odnogo goda.
Devochka na share.
Devushka bez adresa.
Devushka s gitaroy.
Diadia Vania.
Diadushkin son.
Dialog.
Dikiy med.
Director.
Dnevnie zvezdi.
Dni turbinikh.
Do svidaniya malckiki.
Dobro pozhalovat ili postoronnim vhod vospreschem.
Dobroe utro.
Doctor Vera.
Dodumalsia, pozdravliayu!
Dolgi nashi.
Dolgiy put.
Dom i hozain.
Doroga domoy.
Doroga k moru.
Doroga.
Dorogoy malchik.
Dozhdi.
Drug moy Kolika.
Dryzia moi.
Duel.
Dushechka.
Dva dnia trevogi.
Dva kapitana.
Dvadtsat let spustiya.
Dvadtsat shest bakinskih komissarov.
Dve zhizni.
Dvenadsat stuliev.
Dvorianskoye gnezdo.
Dvoye v puti.
Dvoye v stepi.
Dzhamilia.
Dzhentelmeni udachi.
Echo dalekikh snegov.
Edinstvennaya doroga.
Egor bulichev i drugie.
Ehali v tramvae Ilf i petro.
Escho raz pro lubov.
Esli khochesk bit schastlivyon.
Esli ti muzhchina.
Estradnaya fantaziya.
Eta veselaya planeta.
Eto silnee menya.
Eto sladkoye slovo-svoboda!
Eto sluchilos v militsii.
Eto v serdse bylo moyom.
Evgeny Urgansky.
Fokusnik.
Front bez flangov.
Front za liniey fronta.
Furtuna.
Gde ti teper maxim.
Ghost s kubani.
Glavniy svidetel.
Glinka.
God kak zhizn.
Golubka.
Goluboy ogoniok.
Goluboy portret.
Gonki bez finisha.
Gori, gori moya zvezda.
Gorianka.
Gorod pervoy lubvi.
Goroda i godi.
Gorpd ma zare.
Goryachiy sneg.
Granatoviy braslet.
Greshnitsa.
Grozniky vek.
Gusarkaya ballada.
Guttpaerchiviy malchik.
Gvozdik nuzhni vlublionnim.
Hleb i rozi.
Hochu bit ministrom.
Hod koniom.
Hozayka gostinitsi.
Hozhdenie za tri oria.
Hoziain taigi.
Humuroe utro.
I bil vecher i bilo utro.
I na tikhom okeane.
I vse-taki ya veryu.
Idiot.
Ilya muromets.
Imenem revolutsii.
Inkognito is peterburga.
Inzhener Pronchatov.
Irakly Andronnikov rasskazivaet.
Ironiya sudiby ili s legkim parom!
Ischu moyu sudibu.
Ishod.
Iskusheniye.
Ispitanie vernosti.
Ispitatelniy srok.
Ispolnenie zhelaniy.
Istoriya asi Kliachkinoy kotoraya lubila da ne vishla.
Iulsky dozho.
Ivan Rybakov.
Ivan vasilyevich menyaet professiyu.
Ivanov, Petrov, Sidorov.
Ivanovo oetstvo.
K chernomu moriu.
Kafe Izotop.
Kak vas teper nazivat.
Kalina krasnaya.
Kamaradas-tovarischi.
Kamenniy gost.
Kamenniy tsvetok.
Kapitanskaya dochka.
Kapronoviye seti.
Karatel.
Karnavalnaya noch.
Karusel.
Kavaler zolotoi zvedzdi.
Kavkazskaya plennitsa ili novie priklucheniya shurika.
Kazaki.
Kazhdiy den doktora kalinnikovoy.
Kazhdiy vecher v Odinnadsat.
Kazneni na rassvete.
Kentavri.
Khokkeisti.
Khovanshchina.
Khozhdenie po mukam (chasti 5–13).
Khozhdenie po mukam (part I sestri).
Kishi i dvaportfelya.
Ko mne mukhtar.
Kogda nastupaet sentyabr.
Kogda rashoditsia tuman.
Kogda zhemlya drozhit.
Kollegi.
Koloniya lanfier.
Komandir schastlivoy schuki.
Komitet lgti.
Kommunist.
Kompozitor Glinka.
Konets i nachalo.
Konets Lubavinikh.
Konets saturna.

Kontsert dlya dvuch skripok.
Korabli shturmuyat Bastioni.
Korol manezha.
Korolevskaya regata.
Korona Rossiyskoy Imperii ili snova neulovimiye.
Korona rossiyskoy imperii.
Korotko leto v gorakh.
Kot v meshke.
Krakh.
Krasnaya Palatka.
Krasnaya ploschad.
Krasnoye, sinee, zelenoye.
Kremlevskie kuranti.
Krepkiy oreshek.
Kriliya.
Krushenie emirata.
Kubanskie Kazaki.
Lavina s gor.
Lebedev protiv lebedeva.
Leegenda o ledianom serdse.
Legenda o tile.
Legenda.
Lenin in ShVeitsarii.
Lenin v Posishe.
Leningradskaya simfoniya.
Letiat zhuravli.
Letniye sni.
Liven.
Lovtsi gubok.
Lubov k triom apelsinam.
Lubov moya, pechal moya.
Lubov serafima frolova.
Lubov zemnaya.
Lubushka.
Ludi kak reki.
Ludi na mostu.
Ludi na nile.
Lunnie nichi.
Macheha.
Malchiki.
Mama.
Marite.
Mater chelovecheskaya.
Matros s kometi.
Mayakovskiy smeetsia.
Mayor Vihr.
Melodii beloy nochi.
Melodii dunaevskogo.
Mertvie dushi.
Mesta tut tikhie.
Metel.
Mexikanets.
Mi Russkiy narod.
Mi s vami gde—to vstrechalis.
Mi za mir.
Michman panin.
Michurin.
Mimino.
Mimo okon iglut poezda.
Mir vhodiaschemu.
Mnogo shuma is nichego.
Molchaniye doctora ivensa.
Molodie.
Molodo-zeleno.
Molodost s nami.
Moneta.
More v ogne.
Morskie rasskazi.
Morskoy Kharakter.
Morskoy oxotnik.
Mosfilmu-50.
Moskva v notakh.
Moskva-lubov moya.
Moy dom teatr.
Moy laskoviy i nezhniy zver.
Moy mladshiy brat.
Moya ulitsa.
Moyo delo.
Mumu.
Na dne.
Na dorogah voyini.
Na grafskih prazvalinah.
Na kray sveta.
Na novom meste.
Na podmosthah stseni.
Na puti k Leniny.
Na severe, na yuge, na vostoke, na zapade film I segda na cheku.
Na uglu arbata i ulitsi bubulinas.
Na yasniy ogon.
Na zavtrashney ulitse.
Nad tissoy.
Nahlebnik.
Nakanune.
Nakhalionok.
Nakovalnia ili molot.
Nam nekogda zhdat.
Narodnie talanti.
Nash dom.
Nash obschiy drug.
Nashe sedse.
Ne Goruy.
Ne mozhet bit.
Nebd so mnoy.
Negasimoe plamia.
Neispravimiy lgun.
Neobiknovennoye leto.
Neokonchennaya piesa dlia mehanicheskogo pianino.
Neotpravlennoye pismo.
Nepoddayuschiesia.
Nepodsuden.
Nepovtorimaya vesna.
Nepridumannaya istoriya.
Neproshennaya lubov.
Net i da.
Neulovimie mstiteli.
Neveroyatnie priklucheniya Italyantsev v Rossii.
Neylon-100%.
Nezabivaemiy 1919 god.
Nezabivaemoye.
Nezhdanny gost.
Nikolay Bauman.
No boykom meste.
Noch and chili.
Noh bez miloserdiya.
Normandiya-Neman.
Novie priklucheniya neulovimikh.
Novogodnaya yarmarka.
Novogodniy kalendar.
Nyurkina zhizn.
O druzyah-tovarischah.
Obiknovenniy fashizm.
Obinovenniy chelovek.
Obyknovennoye chudo.
Odin iz nas.
Odnokashniki.
Ogennie versti.
Okean.
Oni ne proydut.
Oni shli na vostok.
Oni srazhalis za rodinu.
Oni vstretilis v puti.
Oni zhivut riadom.
Opasnie tropi.
Opasniy povorot.
Opekun.
Operatsiya ‘‘I’’ drugie prikliucheniya shurika.
Operatsiya trest.
Optimisticheskaya tragediya.
Osen.
Osennie svadibi.
Osenniy marafon.
Osobikh primet net.
Ostrov koloun.
Osvobozhdenie (bitva za berlin).
Osvobozhdenie (film 1 ognennaya duga).
Osvobozhdenie (film 2 proriv).
Osvobozhdenie (napravlenie glavnogo udara).
Osvobozhdenie (posledniy shturm).
Ot semi do dvenadtsati.
Ot zari do zari.
Otello.
Otets sergiy.
Otklonenie-nol.
Padenie Berlina.
Paket.
Palata.
Pamiat.
Pavlukha.
Pervaya devushka.
Pervaya lubov.
Pervaya perchatka.
Pervie radosti.
Pervie stranitsi.
Perviy eshelow.
Perviy kurier.
Perviy uchitel.
Pervoe svidanie.
Pesni morya.
Pesnia o koltsove.
Pesnia tabunschika.
Petr martinovich i godi bolshoy zhizni.
Petr Ryabinkin.
Piad zemli.
Piat dney piet nochey.
Pigmalion.
Pilayuschiy kontinent.
Po Russi.
Po semeinym obstoyatelstvam.
Po sobstvennomu zhelaniyu.
Po tonkomu lidu.
Po too storonu.
Pobeditel.
Pod kryshami montmartre.
Podranki.
Poedinok.
Poema o more.
Poet.
Poezd v zavtrashniy den.
Poezo idet na vostok.

Pohozhdeniya zubnogo vracha.
Poka bezumstvuet mechta.
Poliustako-pole.
Polovodiye.
Polustanok.
Pomni imya svoyo.
Popriguniya.
Portret s dozhdem.
Poshekhonskaya starina.
Poslanniki vechnosti.
Poslednaya zhertva.
Poslednie kanikuli.
Poslednie zalpi.
Posol sovetskogo soyuza.
Povest o chelovecheskom serdse.
Povest o neistovom.
Povest o neizvestnom aktere.
Povest of nastoyaschem cheloveke.
Povest plamennih let.
Povorot.
Povtornaya svadiba.
Poy pesnu poet.
Pozdnaya yagoda.
Pozovi menia v dal svetluyu.
Pravo na prizhok.
Pravo pervoy podpisi.
Predsedatel.
Predvaritelnoye rassledovanie.
Prestuplenie.
Prezhdevremenniy chelovek.
Pri doroge.
Priezzhaya.
Priklucheniya travki.
Prinimayu na sebya.
Prishel soldat s fronta.
Pro chudesa chelovecheskie.
Pro Klavu Ivanovu.
Prolog.
Propalo leto.
Propazha svidetelia.
Przhevalskiy.
Psevdonim : Lukach.
Put k prichalu.
Put Slavi.
Put v saturn.
Puteshestvie.
Putina.
Puzirki.
Pyat vecherov.
Pyatde vremia goda.
Pyit dney otdikha.
Pyl pod solntsem.
R esli eto lubov.
Raba lubvi.
Rasplata.
Rasskazi o Lenine.
Rayskie yabloki.
Razvlechenie dlia starichkov.
Revizor.
Rodiny soldat.
Romans o vlublionnikh.
Romeo and Juliet.
Rovestnik veka.
Rozygrysh.
Rudin.
Ruslan and Lyudmila (Chast II).
Ruslan i Ludmila.
Russkiy les.
Russkiy suvenir.
Russkiy vopros.
Russkoye pole.
Russskiy les.
S toboy i bez tebya.
S veseliyem i otvagoy.
Sadko.
Saltanat.
Samily posledniy den.
Samiy zharkiy mesiats.
Sampo.
Sasha vstupaet v zhizn.
Schastliviy reis.
Schet chelovecheski.
Schit i mech (obzhalovaniyu ne podlezhit film 3).
Schit i mech (part 1).
Schit i mech (posledniy rubezh film 4).
Schitimech (prikazano vizhit film 2).
Sdaetsia kvartira s rebenkom.
Sedimoye nebo.
Sekret uspeha.
Sekretar obkoma.
Sekretnaya missiya.
Sem nianek.
Sem starikov ; Odna Devushka.
Semiya ulianovih.
Semya Ivanovikh.
Serdechniye stradaniya.
Serdse bietsia unov.
Serdtse korvalana.
Serdtse Rossii.
Serebrianaya pil.
Serjozha.
Sestra muzikanta.
Sestri.
Severnaya povest.
Severnaya rapsodiya.
Shestoye Iyulia.
Shestvie zolotikh zverey.
Shkola zlosloviya.
Shli soldati.
Shummiy den.
Shvatka v purge.
Shvedskaya spichka.
Siberiada (film I and II).
Siberiada (parts 3 and 4).
Sibiryachka.
Sin.
Skaz pro to, kak tsar petr arapa zhenil.
Skazanie o zemle sibirskoy.
Skazka o poterannom vremeni.
Skazka o tsare saltane.
Skazki russkogo lesa.
Skola muzhestva.
Skverniy anekdot.
Skvorets i lira.
Skvoz ledianuyu mglu.
Slepoy muzicant.
Slovo dlia zaschiti.
Sluchay na shahte 8.
Sluchay s Polininim.
Slush-ay.
Slushayte na toy storone.
Sluzhebniy roman.
Sluzhili dva tovarischa.
Smelie ludi.
Smertniy vrag.
Smeshniye ludi.
Snezhnaya shazka.
Sobstvennoye mnenie.
Sohranit gorod.
Sokhranivshie ogon.
Sokolovo.
Sokrovischa respubliki.
Soldatskoe serdtse.
Soldaty svobody.
Solntse svetit vsem.
Solntse, snova solntse.
Solo dlia slona s orkestrom.
Solyaris.
Sophia perovskaya.
Sorok deviat dney.
Sorok perviy.
Soroka-vorouka.
Sortrudnik chk.
SOS nad taygoy.
Sovershenno seriezno.
Sovest.
Sovsem propaschiy.
Spartak.
Spokoyniy den v kontse voyni.
Sport, sport, sport!
Sporting prazdnik molodiozhi.
Sportivnaya chest.
Spyaschiy lev.
Srochniy visov.
SSR s otkritim serdsem.
SSSR glazami Italiantsev.
Stalingradskaya bitva.
Stantsionniy smotritel.
Stariki-razboyniki.
Stariy vodevil.
Stariy Znakomiy.
Staromodnaya komediya.
Starshaya sestra.
Stazhor.
Step.
Stephnie zori.
Sto dney posle detstva.
Sto gramm dlia hrabrosti.
Stoyanka tri chasa.
Strah visoti.
Strannaya zhenschina.
Strennie poezda.
Striapukha.
Stroitsia most.
Suadiba s pridanim.
Sud chesti.
Sud sumasshedshih.
Sud.
Suda ne zaletali chayki.
Sudia (films I and II).
Sudiba cheloveka.
Suzhet olia nebolshogo rasskaza.
Sveaborg.
Sverstnitsi.
Svet daliokoy zvezdi.
Svet nad Rossiey.
Svoy sredi chuzhikh-chuzhoy sredi svoikh.
Svoy.
Tabor uhodit v nebo.
Taina vechnoy nochi.
Tainstvennaya stena.
Tainstvenniy monakh.
Takie visokie gori.
Taktika bega na dlinnwyu distantisyu.

Tam, gde dlinnaya zima.
Tayozhniy desant.
Telegramma.
Teni ischezaut v polden.
Teper pust uhodit.
Territoriya.
Ti i ya.
Ti inogda vspominay.
Ti ne odin.
Tishina.
Tochka, tochka zapyataya.
Toliko tri nochi.
Torgovka i poet.
Tovarisch general.
Traktir na piatnitskoy.
Tretiy taim.
Tri dnia v moskve.
Tri sestri.
Tri solntsa.
Tri vremeni goda.
Tri vstrechi.
Tridtsat tri.
Trizhdi voskreshiy.
Troe vishli is lesa.
Troy sovremennik.
Trudnoe shastie.
Tryasina.
Tryn-Trava.
Tsel ego zhizno.
Tseluyutsia zori.
Tsena bistrikh sekund.
Tsepnayo reaktsiya.
Tsveti zapozdaliye.
Tuchi nad borskom.
Tunnel.
Tvoya bolishaya sibir.
Ty-mne, ya-tebe.
U nas na zavode.
U samogo chernogo morya.
U tihoy pristani.
U tvoego poroga.
Ubiystro na ulitse dante.
Uchitel tantsev.
Ukraschenie ognya.
Ukraschenie straptivoy.
Ulibnis rovestnik.
Urok istorii.
Urok literaturi.
Urok zhizni.
Uroki frantsuzskogo.
Uvolneniye na bereg.
V chetverg i bolishe nikogda.
V den prazdnika.
V edinom stronyu.
V gorah Yugoslavii.
V kvartire 45.
V lazorevoy stepi.
V mire tntsa.
V nachale veka.
V noch na novoluniye.
V perviy chas.
V prazdnichniy vecher.
V stepnoy tishi.
V zone osobogo vnimaniya.
Vals.
Vas ozhidaet grazhdanka nikandrova.
Vas vizivaet taymyr.
Vassily surikov.
Vchera segodnya vsegda.
Vechniy zov (11–12 serii).
Vechniy zov (4 serii).
Vechniy zov (5–10 seriy).
Velikiy voin Albanii skandenbeg.
Vernie druziya.
Versiya polkovnika zorina.
Vesennie golosa.
Veserie zvezdi.
Vesna na Odere.
Vesna.
Veter.
Vi mne pisali.
Vibor tseli.
Vid na zhitelstvo.
Vihri vrazhdebnie.
Vilet zaderzhivaetsia.
Visokosniy God.
Visokoye zvanie (film 1 ya-shapovalov T.P.).
Visokoye zvanie (film 2 radi zhizni na zemle).
Visota.
Vistrel v tumane.
Vistrel.
Viy.
Vizit vezhlivosti.
Vizivaem agon na sebia.
Vizivaem ogon na sebiya.
Vmesto epiloga.
Vnimanie, cherepakha.
Voliniy veter.
Volnitsa.
Vosemnadtsatiy God.
Voshozhdenie.
Voskresenie.
Voyna i mir.
Vozle etikh okon.
Vozmezdie.
Vozvraschenie k zhizni.
Vozvraschenie sviatogo luki.
Vozvraschenie vasiliya Bortnikova.
Vozvrata net.
Vragi.
Vremia letnih optpuskov.
Vremya schastlivikh nakhodok.
Vremya, vpered!
Vse nachinaetsia s dorogi.
Vstrecha na Elbe.
Vstrecha na rassvete.
Vstriaska.
Vstuplenie.
Vzrosliye deti.
Waterloo.
Ya ego nevesta.
Ya shagayu po moskve.
Ya soldat mama.
Ya-bereza.
Ya-Kuba.
Ya-tyan-shan.
Yabloko razdora.
Yaroslav dombrovsky.
Yegor bulishev i drugie.
Yemelyan pugachev.
Yevgeniya grande.
Yuliya vrevskaya.
Za vitrinoy univermaga.
Za vse v otvete.
Zabludshiy.
Zacharovannaya desna.
Zagovor obrechennih.
Zapadnya.
Zare na vstrechu.
Zastava u gorah.
Zavatrak u prevdvoditelia.
Zeleniy ogoniok.
Zemlya Sannikova.
Zemlyaki.
Zerkalo.
Zhazhda nad ruchiem.
Zhelezniy potok.
Zhenih s togo sveta.
Zhenitiba balzamindva.
Zhenschina kotoraya poyot.
Zhestokost.
Zhili tri kholostyaka.
Zhili-bili starik so starukhoy.
Zhit po-svoemu.
Zhivite v radosti.
Zhiviye i mertvie.
Zhizm proshla mimo.
Zhizn i smert Ferdinanda Lusa.
Zhizn na greshnoy zemle.
Zhizn s nachala.
Zhukovskiy.
Zhuravl v nebe.
Zhuravushka.
Zigzag udachi.
Zolotie yabloki.
Zolotiye vorota.
Zoloto.
Zolotoy dom.
Zolotoy Telenok.
Zvezda nadezhdy.
Zvezdi i soldati.
Zvezdi ne gasnut.
Zvezdi vstrechayutsia v Moskue.
Zvezdniy malchik.
Zvonyat otkpoyte over.

Norton (W. W.) & Company, Inc.
Civilization and its discontents.

Nouvelles Editions De Films.
Les Amants.
Ascenseur pour l'echafaud.
Black moon.
Le feu follet.
Humain, trop humain.
Inde fantome.
Lacombe, Lucien.
Le souffle au coeur.
Vive le tour.
Zazie dans le metro.

Owen, Keith A. P.
James the Butler.

Powell, Glen. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Glen Powell.

Gonzalo Elvira, SA de CV, Producciones.
Caminito alegre.

Hermanos Tamez, SA de CV, Producciones.
Al caer la noche.
Al margen de la ley.
Angeles de la muerte.
Ases del contrabando.
Asesino nocturno.
Buscando la muerte.

El criminal.
Deuda saldada.
Entre hierba polvo y plomo.
Fuga al destino.
Herencia de valientes.
Matadero.
Mi venganza.
Mision sangrienta.
El narco.
Ovejas descarriadas.
Perseguido por la ley.
Todos eran valientes.
El ultimo triunfo.
El vengador del 3006.
La venganza de Maria.
Potsoi, SA, Producciones.
Las 7 fugas del capitan fantasia.
El ahorcado.
Al filo de la muerte.
Alta traicion.
El apenitas.
El Cain de Bajio.
Un camino al cielo.
Comando salvaje.
Contrabando y traicion.
Deportados.
Entre la fe y la muerte.
Las esmeraldas son sangre.
Exta y la otra por un solo boleto.
La frontera del infierno.
El hijo de Camelia la Texana.
Infernal.
El Judas de la frontera.
Llegamos, los fregamos y nos fuimos.
Matanza de judiciales.
Mataron a la Camelia la Texana.
Mi fantasma y yo.
La nalga de oro.
Nimodo a si somos.
Partulla de rurales.
Peor que las fieras.
Piquete que va derecho.
Policias por homicidio.
Politico por error.
Por un vestido de novia.
Profanadores.
A que le tiras cuando suenas mexicano.
Sabadazo.
A sangre y fuego.
Se solicita asesino con referencial.
Secta Satanica.
Son tus perjumenes mujer.
Tu vida contra mi vida.
La ultima entrega.
El valiente vive hasta que el cobarde quiere.
Productora Filmica Real, SA.
El ataque de los pajaros.
Bang, bang y al hoyo.
Buenas y co ... movidas.
Burlesque.
Cain, Abel y el otro.
Carlos el terrorista.
La casa que arde de noche.
Ciclon.
Las computadoras.
Deliciosa sinverguenza.
El derecho de los pobres.
La disputa.
Escuela de placer.
Fray Don Juan.
Furia asesina.
Goza conmigo.
Guyana el crimen del siglo.
El hombre de blanco.
La invasion de los muertos.
La isla de los hombres solos.
Mar asesino.
Masajista de senoras.
Me muero de la risa.
Lo mejor de la risa en vacaciones.
Modisto de senoras.
Una noche embarazosa.
La nueval risa en vacaciones.
OK Cleopatra.
Peluquero de senoras.
El pequeno Robin Hood.
Placeres divertidos.
Placeres ocultos.
Prision de mujeres.
La risa en vacaciones.
La risa en vacaciones 1.
La risa en vacaciones 2.
La risa en vacaciones 3.
La risa en vacaciones 4.
Supervivientes de los Andes.
El tesoro del Amazonas.
Traficantes de panico.
Triangulo diabolico de las Bermudas.
El valle de los miserables.
Vanessa.
Verano salvaje.
Las viboras cambian de piel.
Zindy el nino de los pantanos.
Rauber, Francois. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & Francois Rauber.
Reed International Books, Ltd.
Edward, the blue engine.
Four little engines.
Gordon, the big engine.
Henry the green engine.
James, the red engine.
Tank engine Thomas again.
Thomas, the tank engine.
The three railway engines.
Troublesome engines.
Republic Entertainment, Inc.
The agitator.
Animal geography.
Animal legends.
Animals on guard.
Appointment with crime.
Asking for trouble.
Ballerina.
Battle for music.
Behind the scenes.
Birth of the year.
Black tide.
The butler's dilemma.
The cardinal.
Chamber of horrors.
Common touch.
Contraband.
Creatures great and small.
La dolce vita.
Don Chicago.
Dual alibi.
The dummy talks.
Fin to hand.
Fingers and thumbs.
Free to roam.
Ghosts of Berkeley Square.
Green fingers.
Gullible gulls.
The horrible Dr. Hitchcock.
The human monster.
Hyde Park corner.
I met a murderer.
The idol.
The lady from Lisbon.
Lassie from Lancashire.
Laugh it off.
Laughing lady.
Lisbon story.
Loyal heart.
Medal for the general.
Meet Mr. Penny.
Meet the navy.
Mimi.
Mites and monsters.
Monkeys and apes.
Monkeys into man.
Mr. Reeder in room 13.
Mrs. Fitzherbert.
Murder in reverse.
Old Mother Riley at home.
Old Mother Riley in business.
Old Mother Riley in society.
Old Mother Riley joins up.
Old Mother Riley overseas.
Old Mother Riley's circus.
Old Mother Riley's ghosts.
Old Mother Riley, detective.
One of our aircraft is missing.
Passport to treason.
Penn of Pennsylvania.
Pimpernel Smith.
Right age to marry.
Sabotage at sea.
The sea shall not have them.
Second Mr. Bush.
The seventh survivor.
The shipbuilders.
Spies of the air.
Spring song.
Strawberry roan.
Street singer.
Tale of five women.
Theatre Royal.
This England.
This'll make you whistle.
Time of your life.
Turn of the tide.
Uneasy terms.
Waltz time.
The warning.
We'll smile again.
Welcome, Mr. Washington.
What would you do, chums?
The world owes me a living.
Young animals.
Zoo and you.
Zoo babies.
Robbe-Grillet, Alain.

La belle captive.
L'eden et apres.
Glissements progressifs du plaisir.
L'homme qui ment.
L'immortelle.
Le jeu avec le feu.
N'a pris les des.
Trans Europ Express.
Rohauer, Raymond, Estate of.
Tristana.
Rosales Duran, Rafael.
En esta primavera.
El giro, el pinto y el colorado.
Juntos.
Roy Export Company Establishment.
The gold rush.
A woman of Paris.
Rozier, Catherine.
56 rue pigalle.
Les amants maudits.
Le bagnard.
Callaghan remet ca.
Le champ maudit.
La chasse a travers les ages.
Un homme se penche sur son passe.
Laventuriere du tchad.
Lepave.
Manina la fille sans voile.
Monsieur chasse.
Plus de whisky pour callaghan.
Prisonniers de la brousse.
Le roi des montagnes.
Solita de cordoue.
Schirmer (G.), Inc.
Cantata about the Motherland for soloists, chorus and orchestra (1948).
Cello concerto no. 1.
Concertino for piano and orchestra (1951).
Dances of Armenia for orchestra (1952).
Festive overture for orchestra (1949).
Legend about the armenian people, for soloists, chorus and orchestra (1961).
Monument of Mother, for voice and piano (1947).
Ode to Lenin, song-cantata (1947).
Polyphonic sonata for piano (1946).
Sinfonietta for chamber string orchestra (1966).
Sing for me, song for voice and orchestra (1954).
Screen Associates, SA.
School for scoundrels.
Simon & Schuster, Inc. SEE Barfield, Arthur Owen, executor of the C. S. Lewis Estate of, C. S. Lewis PTE, Ltd., HarperCollins Publishers, Ltd. & Simon & Schuster, Inc.
Sonorinter.
Chotard et cie.
Soyuzmultfilm Studios.
Barankin bud chelovekom.
Begi rucheek.
Belaya shkurka.
Buket.
Doch solntsa.
Drakon.
Film, film, film.
Gde ya ego videl.
Gora dinozavrou.
Goriachiy kamen.
Hvosti.
Kanikuli bonifatsiya.
Kliuch.
Korolevskie zaitsi.
Kot v sapogah.
Kot—ribolov.
Kozlionok.
Lisa i volk.
Lubopitniy v mire basen.
Malenkiy Veter.
Match Revansh.
Mezha.
Parovozik iz Romashkova.
Pastushka i trubochist.
Petia i krasnaya shapochka.
Pingvini.
Raz dva—druzhno!
Raznie koliosa.
Samiy, samiy, samiy.
Shaibu! shaibu!
Slonionok.
Snezhnie dorozhki.
Starik perekati-pole.
Svetliachok #5.
Svetliachok #6.
Sviniya—Kopilka.
Tarakanische.
Toltik.
Ukradenniy mesiats.
Varezhka.
Vintik i shpuntik.
Zhoo zhoo zhoo.
Znakomstvo.
Star TV Filmed Entertainment, Ltd.
100 ways to kill your wife.
Affectionately yours.
All in the family.
And now, what is your name?
The angry river.
Armour of God.
The association.
Backalley princess.
Badge 369.
Bandits from Shantung.
The bedevilled.
The big boss.
The big brother.
Bitter taste of blood.
The blade spares none.
Body for sale.
The body is willing.
Born to gamble.
Breadline blues.
The breakthrough.
Broken oath.
Bruce Lee, the legend.
Bruce Lee, the man & the legend.
The champions.
Chaos by design.
The cheeky chap.
Chelsia, my love.
Cherry blossom.
China's last eunuch.
Chinatown capers.
Chocolate inspector.
The comet strikes.
The contract.
Couples, couples, couples.
The crazy chase.
Crazy romance.
Cream soda & milk.
Dangerous person.
Dark night.
The dead and deadly.
Devil fetus.
The Devil's treasure.
The Disciples of Shaolin.
The double crossers.
Dragon Lord.
The dragon tamers.
Dragons forever.
Duel to the death.
Eastern condors.
Elmo takes a bride.
Energetic 21.
The express.
The fast sword.
The final test.
Fingers on triggers.
Fist of fury.
Flag of honor.
Flaming brothers.
Flirting.
Follow the star.
From riches to rags.
Funny triple.
Gallery of fools.
Game of death.
The ghost informer.
Ghost snatchers.
Girl of the night.
The girl with the dexterous touch.
Gold hunter.
Gonna get you.
Goodbye Mammie.
The greatest lover.
H-Bomb (Great Friday).
Hapkido.
The happenings.
The happy bigamist.
Happy ding dong.
Happy go lucky.
The haunted cop shop.
Heart of the dragon.
A hearty response.
The hellfire angel.
Hello, late homecomers.
Her vengeance.
Heroes shed no tears.
A heroic fight.
The Himalayan.
The hired guns.
Hocus pocus.
The home at HK.
Hong Kong 1941.
Hong Kong grafitti.
The hurricane.
Immortal story.
Infatuation.
The inspector wears skirts.
The invincible eight.
The invincible sword.
The iron fisted monk.

Ironside 426.
Itchy fingers.
Killer's nocturne.
Knockabout.
Kung Fu girl.
The Kung Fu kid.
The lady killer.
Lady reporter.
Lady whirlwind.
Last hurrah for chivalry.
The last message.
Little sister in law.
Living and loving.
Long arm of the law.
Lost generation.
Love me and my dad.
Lucky diamond.
Lucky stars go places.
Magic of spell.
Magic story.
The magnificent butcher.
Making it.
The Manchu boxer.
Merry go.
Midnight girls.
Midnight whisper.
Millionaires' express.
The miracle fighters.
Miss Hong Kong.
Modern detective.
Moon stars & Sun.
The mortal storm.
Mr. Big.
Mr. Vampire.
Mr. Vampire II.
Mr. Vampire part III.
Mr. Vampire saga IV.
Murder most foul.
My cousin, the ghost.
My heavenly lover.
My lucky stars.
My wacky, wacky world.
Naughtier than three.
Naughty boys.
Naughty! naughty!
No end of surprises.
On the run.
Once upon a time.
One husband too many.
One-armed boxer.
Osmanthus alley.
Painted faces.
Paper marriage.
Payoff.
The phantom killer.
Picture of a nymph.
Plain Jane to the rescue.
Police story.
Police story, part II.
Pom pom.
The postman fights back.
Princess Chang Ping.
The prodigal son.
Profile in anger.
Profile of pleasure.
Project A.
Project A part II.
Promising young boy.
A queen's ransom.
Rainbow in my heart.
Read lips.
Righting wrongs.
Rosa.
Rouge.
Scared stiff.
Security unlimited.
Seven angels.
The seven coffins.
The seventh curse.
Shantung man in Hong Kong.
Shaolin boxers.
The Shaolin plot.
The skyhawk.
Slaughter in San Francisco.
Sonny come home.
Spiritual love.
Split of the spirit.
Spooky encounters.
Spring time in Pattaya.
STAB (gold).
Stoner.
Stormy Sun.
The story of Daisy.
Super fool.
Sweet vengeance.
The sword.
Sworn brothers.
Taoism drunkard.
The tattered dragon.
The terrorist.
That enchanting night.
Those merry souls.
Three against the world.
Thunderbolt.
The tiger of the northland.
To err is humane.
To hell with devil.
Tokyo doll.
The tournament.
Tower of death.
The trail.
Twinkle, twinkle lucky stars.
The unscrupulous general.
Vice Squad 633.
Walking beside me.
Warriors two.
The way of the dragon.
Wedding bells, wedding belles.
Wheels on meals.
When Taekwondo strikes.
Whiplash.
Who holds the golden key?
Why, why, tell me why.
Winner takes all.
Winners & sinners.
Witch from Nepal.
Young but angry.
The young dragons.
The young Taoism fighter.
Zu: warriors from the magic mountain.

Teledis Company, SA.
L'assassin habite au 21.
Beaute du Diable.
Belles de nuit.
Le rouge et le noir.
Sans lendemain.
La tendre ennemie.
La traversee de Paris.

Terra-Filmkunst GmbH. SEE Friedrich Wilhelm-Murnau-Stiftung, legal successor of Terra-Filmkunst GmbH.

Twentieth Century Fox Film Corporation.
Night train to Munich.

UGC DA International.
L'addition.
Ah! les belles bacchantes.
L'argent des autres.
Les babas cool.
La banquiere.
Beau-pere.
Les bronzes font du ski.
Buffet froid.
Ca n'arrive qu'a moi.
Le chat.
Les choses de la vie.
Coupe de foudre.
La cuisine au beurre.
Debout les crabes, la mer monte.
Diaboliquement votre.
Les diplomes du dernier rang.
Duos sur canape.
L'etoile du nord.
Un flic.
Le gitan.
Un grand seigneur.
Les heros n'ont pas froid aux oreilles.
Ils sont fous ces sorciers.
Je sais rien mais je dirai tout.
Je vais craquer.
Jeux interdits.
Monsieur Klein.
Monsieur Vincent.
La moutarde me monte au nez.
Papy fait de la resistance.
Le pere noel est une ordure.
Le petit baigneur.
Pourquoi pas nous.
La situation est grave mais pas desesperee.
La soupe aux choux.
La vache et le prisonnier.

UGC DAI. SEE UGC DA International.

Wagenheim, G. SEE Brel-Michielsen, Therese, France Brel Gilson, Chantal Brel, Isabelle Brel Andre & G. Wagenheim.

Dated: April 22, 1997.

Nanette Petruzzelli,

Acting General Counsel.

[FR Doc. 97–10719 Filed 4–24–97; 8:45 am]

BILLING CODE 1410–30–P

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Presidents Committee on the Arts and Humanities: Meeting XXXVIV

Pursuant to Section 10(a)2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is

hereby given that a meeting of the President's Committee on the Arts and the Humanities will be held on May 9, 1997 from 9:30 a.m. to 2:30 p.m. This meeting will convene to further discuss the recommendations made in Creative America, a Report to the President on the system of support for arts and culture in the United States today. The meeting will be held in the Board Room of the Institute of International Education (IIE), 809 United Nations Plaza, New York City.

At 9:30 a.m. the Committee meeting will begin with a statement from Dr. John Brademas, Chairman. Mr. Richard Krasno, President, IIE, will follow with a response to Creative America's international recommendations and then there will be a panel discussion about international millennium initiatives. The Committee will break for lunch from 12:30 p.m. until 1:30 p.m. and will reconvene for discussion.

The President's Committee on the Arts and the Humanities was created by Executive Order in 1982 to advise the President, the two Endowments, and the IMS on measures to encourage private sector support for the nation's cultural institutions and to promote public understanding of the arts and the humanities.

If, in the course of discussion, it becomes necessary for the Committee to discuss non-public commercial or financial information of intrinsic value, the Committee will go into closed session pursuant to subsection © (4) of the Government in the Sunshine Act, 5 U.S.C. 552b.

Any interested persons may attend as observers, on a space available basis, but seating is limited in meeting rooms and staff of the Institute for International Education will need to know who will be attending. Therefore, for this meeting, individuals wishing to attend are required to notify the staff of the President's Committee in advance at (202) 682–5409 or write to the Committee at 1100 Pennsylvania Avenue, NW, Suite 526, Washington, DC 20506.

Dated: April 21, 1997.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 97–10677 Filed 4–24–97; 8:45 am]

BILLING CODE 7537–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

April 1, 1997.

This report is submitted in fulfillment of the requirement of Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of April 1, 1997, of ten rescission proposals and seven deferrals contained in three special messages for FY 1997. These messages were transmitted to Congress on December 4, 1996, and on February 10 and March 19, 1997.

Rescissions (Attachments A and C)

As of April 1, 1997, ten rescission proposals totaling $407 million had been transmitted to the Congress. Attachment C shows the status of the FY 1997 rescission proposals.

Deferrals (Attachments B and D)

As of April 1, 1997, $2,663 million in budget authority was being deferred from obligation. Attachment D shows the status of each deferral reported during FY 1997.

Information from Special Messages

The special messages containing information on the rescission proposals and deferrals that are covered by this cumulative report is printed in the editions of the **Federal Register** cited below:

61 FR 66172, Monday, December 16, 1996

62 FR 8045, Friday, February 21, 1997

62 FR 14478, Wednesday, March 26, 1997

Franklin D. Raines,

Director.

BILLING CODE 3110–01–P

ATTACHMENT A

STATUS OF FY 1997 RESCISSIONS
(in millions of dollars)

	Budgetary Resources
Rescissions proposed by the President	$407.1
Rejected by the Congress	---
Amounts rescinded	---
Currently before the Congress	$407.1

ATTACHMENT B

STATUS OF FY 1997 DEFERRALS
(in millions of dollars)

	Budgetary Resources
Deferrals proposed by the President	3,544.3
Routine Executive releases through April 1, 1997 (OMB/Agency releases of $881.5 million.)	-881.5
Overturned by the Congress	---
Currently before the Congress	2,662.8

ATTACHMENT C
Status of FY 1997 Rescission Proposals - As of April 1, 1997
(Amounts in thousands of dollars)

Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Previously Withheld and Made Available	Date Made Available	Amount Rescinded	Congressional Action
DEPARTMENT OF AGRICULTURE								
Foreign Agricultural Service								
P.L. 480 grants -- Titles I (OFD), II, and III	R97-1	3,500		2-10-97				
P.L. 480 program account	R97-2	46,500		2-10-97				
DEPARTMENT OF DEFENSE - MILITARY								
Operation and Maintenance								
Operation and maintenance, Defense-wide	R97-4	10,000		2-10-97				
Procurement								
National Guard and Reserve equipment	R97-5	62,000		2-10-97				
DEPARTMENT OF ENERGY								
Energy Programs								
Strategic petroleum reserve	R97-6	11,000		2-10-97				
Clean coal technology	R97-11	10,000		3-19-97				
Power Marketing Administrations								
Construction, rehabilitation, operation and maintenance, Western Area Power Administration	R97-7	2,111		2-10-97				
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT								
Public and Indian Housing Programs								
Annual contributions for assisted housing	R97-8	250,000 1/		2-10-97				

1/ Funds are currently being withheld pursuant to section 218 of P.L. 104-208.

ATTACHMENT C
Status of FY 1997 Rescission Proposals - As of April 1, 1997
(Amounts in thousands of dollars)

Agency/Bureau/Account	Rescission Number	Amounts Pending Before Congress: Less than 45 days	Amounts Pending Before Congress: More than 45 days	Date of Message	Previously Withheld and Made Available	Date Made Available	Amount Rescinded	Congressional Action
DEPARTMENT OF JUSTICE								
General Administration								
Working capital fund	R97-9	6,400		2-10-97				
GENERAL SERVICES ADMINISTRATION								
General Activities								
Expenses, Presidential transition	R97-10	5,600		2-10-97				
TOTAL RESCISSIONS		**407,111**	**0**		**0**		**0**	

[FR Doc. 97–10694 Filed 4–24–97; 8:45 am]
BILLING CODE 3110–01–C

ATTACHMENT D
Status of FY 1997 Deferrals - As of April 1, 1997
(Amounts in thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Message	Releases(-): Cumulative OMB/ Agency	Releases(-): Congressionally Required	Congressional Action	Cumulative Adjustments (+)	Amount Deferred as of 4-1-97
FUNDS APPROPRIATED TO THE PRESIDENT									
International Security Assistance									
Economic support fund and International Fund for Ireland	D97-1	1,258,292		12-4-96	673,328				584,965
Foreign military financing program	D97-2	1,412,375		12-4-96	84,062				1,328,313
Foreign military financing loan program	D97-3	60,000		12-4-96					60,000
Foreign military financing direct loan financing account	D97-4	540,000		12-4-96					540,000
Agency for International Development									
International disaster assistance, Executive	D97-5	147,800		12-4-96	71,090				76,710
DEPARTMENT OF STATE									
Other									
United States emergency refugee and migration assistance fund	D97-6	118,486		12-4-96	53,000				65,486
SOCIAL SECURITY ADMINISTRATION									
Limitation on administrative expenses	D97-7	7,365		12-4-96					
	D97-7A		4	2-10-97					7,369
TOTAL, DEFERRALS		**3,544,318**	**4**		**881,479**			**0**	**2,662,843**

PENSION BENEFIT GUARANTY CORPORATION

Customer Satisfaction Survey for Pension Practitioners

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of submission for OMB review; comment request.

SUMMARY: The Pension Benefit Guaranty Corporation has requested that the Office of Management and Budget approve a new collection of information under the Paperwork Reduction Act for a voluntary collection of information which is not contained in a regulation. The collection consists of an annual mail survey which will help the PBGC measure the satisfaction of its pension practitioner customers. Responses to the survey are voluntary.

DATES: Written comments should be submitted to OMB at the below address within 30 days after April 25, 1997.

ADDRESSES: All written comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for the Pension Benefit Guaranty Corporation, 725 17th Street, NW., Room 10235, Washington, DC 20503. The request for approval and copies of the proposed collection of information will be available for public inspection at the PBGC Communications and Public Affairs Department, suite 240, 1200 K Street, NW., Washington, DC 20005, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Marc L. Jordan, Attorney, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005, 202–326–4024 (202–326–4179 for TTY and TDD). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Executive Order 12862, Setting Customer Service Standards, states that, in order to carry out the principles of the National Performance Review, the Federal Government must be customer-driven. It directs all executive departments and agencies that provide significant services directly to the public to provide those services in a manner that seeks to meet the customer service standards established in the Executive Order. It further requires those executive departments and agencies to survey customers to determine the kind and quality of services they want and their level of satisfaction with existing services.

The PBGC has decided to measure the satisfaction of its pension practitioner customers through the use of an annual mail survey. The survey will be sent to a sampling of pension practitioners drawn from the following sources: 800 from plan administrators who filed voluntary termination forms; 800 from plan administrators who filed premium forms; and 800 from the directory of enrolled actuaries as maintained by the Society of Actuaries. The PBGC estimates the total annual burden to respondents to be 480 hours.

On January 31, 1997, the PBGC published in the **Federal Register** a notice of intention to request OMB approval of this collection. No comments were received in response to the notice.

Issued at Washington, DC, this 21st day of April, 1997.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 97–10708 Filed 4–24–97; 8:45 am]

BILLING CODE 7708–01–P

PENSION BENEFIT GUARANTY CORPORATION

Pendency of Request for Exemption From the Bond/Escrow Requirement Relating to the Sale of Assets by an Employer Who Contributes to a Multiemployer Plan; Brylane, L.P.

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of pendency of request.

SUMMARY: This notice advises interested persons that the Pension Benefit Guaranty Corporation has received a request from Brylane, L.P. for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) of the Employee Retirement Income Security Act of 1974, as amended, with respect to the ILGWU National Retirement Fund. Section 4204(a)(1) provides that the sale of assets by an employer that contributes to a multiemployer pension plan will not constitute a complete or partial withdrawal from the plan if certain conditions are met. One of these conditions is that the purchaser post a bond or deposit money in escrow for the five-plan-year period beginning after the sale. The PBGC is authorized to grant individual and class exemptions from this requirement. Before granting an exemption the PBGC is required to give interested persons an opportunity to comment on the exemption request. The purpose of this notice is to advise interested persons of the exemption request and solicit their views on it.

DATES: Comments must be submitted on or before June 9, 1997.

ADDRESSES: All written comments (at least three copies) should be addressed to: Pension Benefit Guaranty Corporation, Office of the General Counsel, Suite 340, 1200 K Street, NW., Washington, DC 20005–4026. The non-confidential portions of the request for an exemption and the comments received will be available for public inspection at the PBGC Communications and Public Affairs Department, Suite 240, at the above address, between the hours of 9 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Shaswat K. Das, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026; telephone (202) 326–4020, ext. 3022, (202) 326–4179 for TTY and TDD). These are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

Background

Section 4204 of the Employee Retirement Income Security Act of 1974, as amended by the Multiemployer Pension Plan Amendments Act of 1980 (''ERISA'' or ''the Act''), provides that a bona fide arm's-length sale of assets of a contributing employer to an unrelated party will not be considered a withdrawal if three conditions are met. These conditions, enumerated in section 4204(a)(1) (A)–(C), are that—

(A) The purchaser has an obligation to contribute to the plan with respect to the operations for substantially the same number of contributions base units for which the seller was obligated to contribute;

(B) The purchaser obtains a bond or places an amount in escrow, for a period of five plan years after the sale, in an amount equal to the greater of the seller's average required annual contribution to the plan for the three plan years preceding the year in which the sale occurred or the seller's required annual contribution for the plan year preceding the year in which the sale occurred (the amount of the bond or escrow is doubled if the plan is in reorganization in the year in which the sale occurred); and

(C) The contract of sale provides that if the purchaser withdraws from the plan within the first five plan years beginning after the sale and fails to pay any of its liability to the plan, the seller shall be secondarily liable for the liability it (the seller) would have had but for section 4204.

The bond or escrow described above would be paid to the plan if the purchaser withdraws from the plan or fails to make any required contributions

to the plan within the first five plan years beginning after the sale.

Additionally, section 4204(b)(1) provides that if a sale of assets is covered by section 4204, the purchaser assumes by operation of law the contribution record of the seller for the plan year in which the sale occurred and the preceding four plan years.

Section 4204(c) of ERISA authorizes the Pension Benefit Guaranty Corporation (''PBGC'') to grant individual or class variances or exemptions from the purchaser's bond/escrow requirement of section 4204(a)(1)(B) when warranted. The legislative history of section 4204 indicates a Congressional intent that the sales rules be administered in a manner that assures protection of the plan with the least practicable intrusion into normal business transactions. Senate Committee on Labor and Human Resources, 96th Cong., 2nd Sess., S.1076, The Multiemployer Pension Plan Amendments Act of 1980: Summary and Analysis of Considerations 16 (Comm. Print, April 1980); 128 Cong. Rec. S10117 (July 29, 1980). The granting of an exemption or variance from the bond/escrow requirement does not constitute a finding by the PBGC that a particular transaction satisfies the other requirements of section 4204(a)(1).

Under the PBGC's regulation on variances for sales of assets (29 CFR part 4204), a request for a variance or waiver of the bond/escrow requirement under any of the tests established in the regulation (§§ 4204.12–4204.13) is to be made to the plan in question. The PBGC will consider waiver requests only when the request is not based on satisfaction of one of the four regulatory tests or when the parties assert that the financial information necessary to show satisfaction of one of the regulatory tests is privileged or confidential financial information within the meaning of 5 U.S.C. 552(b)(4) (the Freedom of Information Act).

Under § 4204.22 of the regulation, the PBGC shall approve a request for a variance or exemption if it determines that approval of the request is warranted, in that it—

(1) Would more effectively or equitably carry out the purposes of Title IV of the Act; and

(2) Would not significantly increase the risk of financial loss to the plan.

Section 4204(c) of ERISA and § 4204.22(b) of the regulation require the PBGC to publish a notice of the pendency of a request for a variance or exemption in the **Federal Register**, and to provide interested parties with an opportunity to comment on the proposed variance or exemption.

The Request

The PBGC has received a request from Brylane, L.P. (the ''Buyer'') for an exemption from the bond/escrow requirement of section 4204(a)(1)(B) with respect to the ILGWU National Retirement Fund (the ''Fund'') in connection with its purchase of certain of the assets of Chadwick's, Inc. and CDM Corp., a wholly-owned subsidiary of Chadwick's, Inc. (collectively the ''Seller'') on December 2, 1996. In the request, the Buyer represents among other things that:

1. Under the terms of the asset purchase agreement, the Buyer will pay the Seller $222.8 million in cash, and will issue to Seller a Convertible Subordinated Note in the principal amount of $20 million, which will mature in the year 2006, and which will be convertible at the Seller's option into partnership units of the Buyer.

2. The Buyer is obligated to contribute to the Fund for the purchased operations for substantially the same number of contribution base units as the Seller.

3. The Seller has agreed to be secondarily liable for any withdrawal liability it would have had with respect to the sold operations (if not for section 4204) should the Buyer withdraw from the Fund within the five plan years following the sale and fail to pay withdrawal liability.

4. The estimated amount of the unfunded vested benefits allocable to the Seller with respect to the operations sold is about $800,000.

5. The amount of the bond/escrow required under section 4204(a)(1)(B) is $1,550,000.

6. The Buyer's average net income for the three fiscal years preceding the sale is $25.3 million, and the average net income for the purchased operations over that period is $7.4 million. The interest expense incurred by the Buyer in connection with the sale is $44.1 million per year. Thus, the average net income of the Buyer, reduced by the interest expense incurred in connection with the sale, would not exceed 150% of the amount of the bond/escrow, as required under 29 CFR 4204.13(a)(1). However, according to the request, if the interest expense were adjusted by the income tax deduction to which the Buyer is entitled per year, the net interest expense would be approximately $28.7 million per year. Therefore, the average net income for the Buyer (including the purchased operations) for the three years preceding the sale ($32.7 million), reduced by the net interest expense ($28.7 million), would be about $4 million ($32.7 million minus $28.7 million), which is more than 150% of the bond/escrow amount.

7. A complete copy of the request was sent to the Fund and to the collective bargaining representative of the Seller's employees.

Comments

All interested persons are invited to submit written comments on the pending exemption request to the above address. All comments will be made a part of the record. Comments received, as well as the relevant non-confidential information submitted in support of the request, will be available for public inspection at the address set forth above.

Issued at Washington, DC, on this 21st day of April 1997.

John Seal,

Acting Executive Director.

[FR Doc. 97–10709 Filed 4–24–97; 8:45 am]

BILLING CODE 7708–01–P

POSTAL SERVICE

Sunshine Act Meeting; Board of Governors

TIMES AND DATES: 10:30 a.m., Monday, May 5, 1997; 8:30 a.m., Tuesday, May 6, 1997.

PLACE: Washington, D.C., at the U.S. Postal Service Headquarters, 475 L'Enfant Plaza, S.W., in the Benjamin Franklin Room.

STATUS: May 5 (Closed); May 6 (Open).

MATTERS TO BE CONSIDERED:

Monday, May 5—10:30 a.m. (Closed)

1. Consideration of Postal Rate Commission Opinion and Recommended Decision in Docket No. MC96–3, Special Services.
2. Consideration of Postal Rate Commission Opinion and Recommended Decision in Docket No. MC97–1, Experimental Fees for Nonletter-Size Business Reply Mail, 1996.
3. Rate Case Planning Process (Part 2 of 3).
4. Capital Investments.
   a. Mail Transport Equipment Service Center (MTESC) Network.
   b. Modification Request for Church Street Station, New York.

Tuesday, May 6—8:30 a.m. (Open)

1. Minutes of the Previous Meeting, April 7–8, 1997.
2. Remarks of the Postmaster General/Chief Executive Officer.

3. Quarterly Report on Service Performance.
4. Quarterly Report on Financial Performance.
5. Briefing on Total Factor Productivity.
6. Capital Investments.
   a. Flat Mail Optical Character Reader.
   b. Integrated Buffer System R&D, Phase 3.
   c. Delivery Confirmation Infrastructure Acquisition.
   d. International/Military Service Centers.
7. Tentative Agenda for the June 2–3, 1997, meeting in San Juan, Puerto Rico.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Koerber, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, S.W., Washington, D.C. 20260–1000. Telephone (202) 268–4800.

Thomas J. Koerber,

Secretary.

[FR Doc. 97–10921 Filed 4–23–97; 2:49 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

Summary of Proposal(s)

(1) *Collection title:* Employer's Deemed Service Month Questionnaire.
(2) *Form(s) submitted:* GL–99.
(3) *OMB Number:* 3220–0156.
(4) *Expiration date of current OMB clearance:* 6/30/97.
(5) *Type of request:* Extension of a currently approved collection.
(6) *Respondents:* Business or other for-profit.
(7) *Estimated annual number of respondents:* 150.
(8) *Total annual responses:* 4,000.
(9) *Total annual reporting hours):* 133.
(10) *Collection description:* Under Section 3(i) of the Railroad Retirement Act, the Railroad Retirement Board may deem months of service in cases where an employee does not actually work in every month of the year. The collection obtains service and compensation information from railroad employers needed to determine if an employee may be credited with additional months of railroad service.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the form and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363). Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092 and the OMB reviewer, Laura Oliven (202–395–7316), Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 97–10681 Filed 4–24–97; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22624; 811–6662]

Dracena Funds, Inc.; Notice of Application for Deregistration

April 18, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Dracena Funds, Inc. (formerly, Ultra Funds, Inc.).

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on August 2, 1996, and amended on November 25, 1996 and January 6, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 13, 1997, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicant, 400 Haber Road, Suite 201, Chicago, Illinois 60013.

FOR FURTHER INFORMATION CONTACT: H.R. Hallock, Jr., Special Counsel, at (202) 942–0564, or Mercer E. Bullard, Branch Chief, (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant, a Maryland corporation incorporated in 1994, is registered under the act as an open-end non-diversified investment company. According to SEC records, applicant initially registered under the Act by filing a Form N–8A on May 6, 1992.[1] On April 14, 1994, applicant filed an amended Form N–8A under the name The Havens Funds, Inc.[2] On April 8, 1994, applicant filed a registration statement on Form N–1A to register an indefinite number of shares of a single series, FX Currency Value Fund (the ''Fund''). Such registration statement became effective on June 13, 1995, and applicant commenced an initial public offering of shares on July 27, 1995.

2. From July 1995 until March 12, 1996, applicant's expenses as a percentage of assets exceeded estimates because it was unable to attract investments to the extent anticipated. On March 12, 1996, to stem further erosion in shareholder value, applicant's board of directors approved a plan of liquidation and dissolution under Maryland law (the ''Plan''). Applicant's shareholders approved the Plan at a meeting of shareholders on June 12, 1996.

3. When liquidation discussions began, applicant ceased accruing deferred organizational expenses. Such deferred expenses, totaling $482,892, were amortizable over a five year period. Dracena Funds Group, Inc., applicant's adviser, authorized accrued organizational expenses to be used to pay for applicant's ongoing expenses, rather than to be paid to the adviser. Once applicant's liquidation had been approved, the adviser waived all rights to any further payment of organizational expenses. In addition, the Fund's initial shareholder agreed to forfeit his entire investment because unamortized organizational expenses exceeded the

[1] Applicant initially registered as a closed-end investment company under the name FX Value & Government Income Fund, Inc., a Colorado corporation organized in February 1992.

[2] According to SEC records, applicant was known as Havens Funds, Inc. until December, 1994. Between that date and May, 1995, applicant was named Ultra Funds, Inc., after which its name was changed to Dracena Funds, Inc.

amount of his investment.[3] As a result, applicant has been relieved of any liability for unamortized organizational expenses.

4. Applicant sold all portfolio securities in open market transactions at their then-current market prices before June 12, 1996. On that date, the Fund had 30,777.499 shares outstanding with an aggregate net asset value of $122,425.33, or $3.99 per share. On June 27, 1996, applicant redeemed 22,443.499 shares of the Fund at $3.99 per share (aggregating approximately $89,549). The remaining 8,334 shares held by the initial shareholder were redeemed without payment of any consideration.

5. On October 15, 1996, following the final determination of liquidation expenses, applicant made an additional distribution of $1.556 per share (aggregating about $34,922) to shareholders other than the initial shareholder. Applicant has made distributions in complete liquidation to all shareholders. All expenses relating to applicant's liquidation and the winding-up of its affairs, aggregating about $21,500, were borne by applicant.

6. Applicant has no shareholders, assets, debts or other liabilities; is not a party to any litigation or administrative proceeding; and is neither engaged, nor proposes to engage, in any business activities other than those necessary for the winding-up of its affairs. Applicant will file articles of dissolution pursuant to Maryland law.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–10686 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22625; 811–3]

Lord Abbett U.S. Government Securities Fund, Inc.; Notice of Application

April 18, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: Lord Abbett U.S. Government Securities Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant requests an order declaring that it has ceased to be an investment company.

FILING DATE: The application was filed on March 10, 1997.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 13, 1997, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the person for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW, Washington, DC 20549. Applicant, 767 Fifth Avenue, New York, New York 10153.

FOR FURTHER INFORMATION CONTACT: Diane L. Titus, Paralegal Specialist, at (202) 942–0584, or H.R. Hallock, Jr., Special Counsel, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end, diversified management investment company. It was incorporated under Delaware law on September 19, 1932 under the name American Business Shares, Inc. Applicant registered under the Act on or about November 1, 1940 and was reincorporated under Maryland law under Articles of Incorporation dated July 9, 1975.

2. On March 14, 1996, applicant's board of directors approved the terms of an Agreement and Plan of Reorganization (the ''Reorganization'') involving applicant and the U.S. Government Securities Series (the ''Acquiring Fund''), a series of another open-end investment company, Lord Abbett Investment Trust. The Reorganization provided for the transfer of all the assets of applicant in exchange for Class A shares of the Acquiring Fund and the assumption by the Acquiring Fund of all of applicant's liabilities. Applicant's board of directors, in accordance with rule 17a–8 under the Act, determined that the Reorganization was in applicant's best interest and would not result in any dilution to the interests of applicant's existing shareholders.

3. A registration statement on Form N–14 was filed with the SEC on March 1, 1996 and declared effective on April 24, 1996. The proxy statement/prospectus contained in such registration was furnished to applicant's shareholders on or about April 24, 1996. The shareholders of applicant approved the Reorganization with the Acquiring Fund at a meeting held on June 19, 1996.

4. On July 12, 1996, the Acquiring Fund acquired applicant's assets in exchange for its Class A shares. The number of full and fractional shares of the Acquiring Fund that were issued to applicant's shareholders was determined on the basis of the relative net asset values per share and the aggregate net assets of the Acquiring Fund and applicant as of the close of business on the New York Stock Exchange on July 12, 1996. At that time, applicant had 1,081,559,613 shares of common stock outstanding and aggregate net assets of $2,752,491,293, or $2.54 per share. Because the Acquiring Fund was a newly-created entity without assets, they were issued the same number of full and fractional shares of the Acquiring Fund, at the same net asset value per share, as were held by shareholders of applicant as of the close of business on July 12, 1996.

5. The total expenses incurred by applicant and the Acquiring Fund in connection with the Reorganization were approximately $758,089. Of these expenses, $479,270 were incurred by applicant. These expenses include printing expenses, solicitation expenses, legal fees, mailing expenses, audit fees and expenses, and filing fees. To the extent applicant did not pay any such expenses prior to the effective date of the Reorganization, they have been assumed by the Acquiring Fund.

6. Applicant has no assets, debts or liabilities. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs. Applicant is not a party to any litigation or administrative proceeding.

7. Applicant intends to file a Certificate of Dissolution with the State of Maryland.

[3] The initial shareholder's subscription agreement required unamortized organizational expenses to be deducted from any redemption proceeds.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–10687 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–22626/812–10226]

MLX Corporation; Notice of Application

April 21, 1997.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Exemption Under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: MLX Corporation (''MLX'').

RELEVANT ACT SECTIONS: Order requested pursuant to sections 6(c) and 6(e) of the Act.

SUMMARY OF APPLICATION: Applicant requests an order that would exempt it from all of the provisions of the Act except sections 9, 17(a), 17(d) (modified as discussed herein), 17(e), 17(f) (modified as discussed herein), and 36 through 53 and the rules and regulations thereunder during the period from July 1, 1996 to December 31, 1997.

FILING DATE: The application was filed on June 28, 1996 and amended on November 1, 1996, and April 15, 1997. Applicants have agreed to file an additional amendment, the substance of which is incorporated herein, during the notice period.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 16, 1997, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. MLX, 1000 Center Place, Norcross, Georgia 30093.

FOR FURTHER INFORMATION CONTACT: Deepak T. Pai, Staff Attorney, at (202) 942–0574, or Mercer E. Bullard, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. MLX was formed in 1984 as part of the reorganization of McLouth Steel Company (''McLouth''), a maker of steel products that filed for bankruptcy in 1982. Under the terms of the reorganization, McLouth was renamed ''MLX Corporation'' and McLouth shares were exchanged for new MLX shares. As part of the reorganization, McLouth's operating business was sold to a separate entity. MLX's sole remaining asset is the net operating losses generated by McLouth's unprofitable operations. These net operating losses are still available to offset future taxable income from operations and are one of MLX's most important assets. MLX has approximately 8,900 shareholders.

2. In 1985, MLX acquired S.K. Wellman Limited, Inc. (''Wellman''), a company engaged in the design and manufacture of high energy friction materials used primarily in aircraft brakes and heavy equipment brakes, transmissions, and clutches (the ''Wellman Business''). From 1985 through 1987, MLX consummated various other acquisitions that complemented the Wellman Business (the ''Wellman Acquisitions''). In addition to the Wellman Acquisitions, in 1986, 1897, and 1988, MLX acquired the companies and assets comprising Pameco Corporation (''Pameco''), a distributor of heating and air conditioning units. In 1992, MLX sold Pameco, which enabled MLX to focus its efforts exclusively on the Wellman Business.

3. In August 1994, a foreign competitor approached MLX management with an unsolicited expression of interest in a business combination with Wellman. This led to negotiations for the sale of all the capital stock of its wholly-owned subsidiary, Wellman (the ''Wellman Transaction''). The Wellman Transaction, which closed June 30, 1995, left MLX with approximately $38 million in cash and cash equivalents, no debt, and federal net operating loss carryforwards of approximately $300 million available to offset future taxable income from operations.

4. Since the Wellman Transaction, MLX has been engaged in the process of identifying and evaluating potential acquisition candidates for the purpose of acquiring a suitable operating business as soon as reasonably possible. MLX's president and chief executive officer, the only officer and one of only two employees, spends substantially all of his time seeking acquisition candidates for MLX to consider. In addition, MLX's other employee spends substantially all of her time supporting the activities of MLX's president and attending to the ministerial functions of operating the company. MLX has developed financial and operational criteria as a basis for evaluating prospective target businesses and for narrowing the focus of its search. MLX's executive officers and board of directors have been in constant communications with professional groups, including investment bankers, lenders, attorneys and accountants (collectively ''Financial Intermediaries'') for the purposes of discussing MLX's acquisition opportunities. MLX has discussed its acquisition criteria directly with over fifty Financial Intermediaries. Three Cities Research, Inc. (''Three Cities''), a New York investment banking firm that owns approximately 39% of MLX's outstanding common stock, has assisted MLX in identifying, evaluating and negotiating potential acquisitions. In addition, MLX has engaged, on a non-exclusive basis, the investment banking firm of Smith Barney to canvas the market of businesses for sale and analyze these against MLX's acquisition criteria.

5. As of March 31, 1997, MLX had evaluated 181 transactions and made seventeen offers or valuation proposals. A substantial majority of the potential acquisitions have been rejected by MLX because of valuation issues. In other instances, MLX has been outbid for the target. MLX is in the process of evaluating an additional seven potential acquisitions.

6. MLX's cash resources, its debt-free balance sheet, its substantial federal net operating loss carryforwards, its management experience and its status as a publicly-held company make it extremely attractive to any potential acquisition target. MLX's federal net operating loss carryforwards represent substantial value that may only be maximized by acquiring a profitable operating company at a fair price. The net operating loss carryforwards expire as follows: $144.3 million in 1997; $1.2 million in 1998; $73.8 million in 1999; $2.7 million in 2000; $2.2 million in 2002; $5.0 million in 2005; $2.0 million in 2006 and $47.3 million in 2007. The existence of the federal operating net loss carryforwards, together with their expiration schedule, provide MLX with

a strong incentive to close the acquisition of a profitable operating business as soon as possible. Though currently in transition, MLX expects to have acquired an operating business by no later than December 31, 1997. In the event that MLX is unable to acquire an operating business by December 31, 1997, MLX's board of directors will consider the alternatives available, including registration as an investment company or dissolution. Such alternatives would be considered in advance of December 31, 1997 in order to allow sufficient time for the implementation of any board decision.

7. During the three-month period that ended on December 31, 1995, and the three- and six-month periods that ended on March 31, 1996 and June 30, 1996, respectively, MLX had revenue of $1,056,000, $460,000 and $924,000, respectively, related to the investment of substantially all of its assets in overnight repurchase agreements collateralized by United States Treasury and agency securities. MLX's overnight repurchase agreement investment program (the ''Program'') is administered by five large national banks approved by MLX's board of directors. The Program is designed to: (a) Maximize safety of capital, (b) assure availability of funds for the purpose of consummating an acquisition, and (c) relieve MLX management of the time-consuming management of those funds.

8. Access to MLX's funds is severely restricted. MLX has one operating account for the purpose of executing routine operating disbursements and business expenses, including salaries, rent and taxes. The maximum amount of funds deposited in such account is limited to no more than the anticipated expense level for the upcoming two months, based on MLX's budget as approved by the board of directors. Any disbursements from the operating account must be approved by the chief executive officer and the account is reconciled on a monthly basis. In addition, MLX's board of directors receives a monthly summary report of expenses.

9. Five national banks invest the remainder of MLX's funds as part of the Program, each of which is responsible for approximately equal portions of $7 million. MLX's board of directors has designated First Union National Bank as the primary bank. The non-primary banks are Wachovia Bank of Georgia, NationsBank, SunTrust Bank, and National Bank of Detroit. All five banks are United States regulated banks and meet the qualifications prescribed in section 26(a)(1) of the Act. The non-primary banks have been instructed in writing to wire money only to MLX's account at First Union National Bank and not to any other person or entity. In addition, MLX's agreements with all of the banks (''Bank Agreements'') contain provisions requiring the banks to segregate and identify all securities owned by MLX as subject to the respective Bank Agreement.

10. Transfers from any non-primary bank investment account in any amount must be approved by an MLX executive officer and the Funds Management Committee of the board of directors, and primary account transfers (including check disbursements) in amounts above $5,000 must be approved by an MLX executive officer and a member of the Committee. In addition, the bank must verify the authenticity of the wire transfer request by voice verification with a second, non-initiating MLX officer in a phone call initiated by the bank. MLX also has secured an executive protection policy from the Chubb Group of Insurance Companies insuring MLX for, among other things, losses of money, securities and other property caused by theft or forgery by any employee or agent of MLX or by any other person in an amount not to exceed $5 million.

11. MLX has two stock option plans. Under the MLX Corporation Stock Option Plan, adopted in 1985 (the ''1985 Plan''), MLX granted stock options to certain officers, directors and key employees at prices not less than the market value on the date the options were granted. No new options may be granted under the 1985 Plan, although some options are still outstanding. Under the MLX Corporation Stock Option and Incentive Award Plan, adopted in 1995 (the ''1995 Plan''), stock-based awards may be issued to key employees (including directors who are also employees) and certain others. Such awards may include incentive stock options, non-qualified stock options, restricted stock and outright stock awards. A total of 125,000 shares of MLX common stock are reserved under the 1995 Plan. In addition, on February 11, 1991, MLX issued options to Brian R. Esher, its then Chief Executive Officer and currently a director of MLX, to acquire 190,400 shares of MLX common stock at a price of $5.00 per share, exercisable (subject to vesting schedules which have been satisfied) at any time prior to February 10, 1998. Mr. Esher's options were converted to stock appreciation rights and exercised as of February 28, 1997. On October 3, 1993, December 29, 1994 and July 26, 1995, MLX issued options to Thomas Waggoner, its then Chief Financial Officer and current Chief Executive Officer, to acquire an aggregate 50,000 shares of MLX common stock at prices ranging from $2.50 to $9.25 per share, exercisable (subject to vesting schedules which have been satisfied as to 40,000 shares) at any time prior to July 25, 2000. It is also possible for Mr. Waggoner's options to be converted to stock appreciation rights.

12. MLX requests an order pursuant to sections 6(c) and 6(e) of the Act exempting it from all the provisions of the Act except sections 9, 17(a), 17(d), 17(e), 17(f), and 36 through 53 and the rules and regulations thereunder during the period from the date of the order until December 31, 1997. MLX also requests a limited and specific exemption from section 17(f) to permit it to continue its present custodial arrangement and from section 17(d) to permit it to maintain, operate and comply with its stock option plans and agreements during the period from the date of the order until December 31, 1997, all as described in the application.

Applicant's Legal Analysis:

1. Section 3(a)(3) of the Act defines an investment company as an issuer who is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns investment securities having a value in excess of 40% of the issuer's total assets (excluding Government securities and cash). MLX believes it may be an investment company under section 3(a)(3).

2. Rule 3a–2 under the Act generally provides that, for purposes of section 3(a)(3), an issuer will not be deemed to be engaged in the business of investing, reinvesting, owning, holding, or trading in securities for a period not exceeding one year if the issuer has a *bona fide* intent to be engaged in a non-investment company business. For the period from July 1, 1995 through June 30, 1996, MLX operated under the exemption provided by rule 3a–2.

3. Section 6(c) provides that the SEC may conditionally or unconditionally exempt any person, security or transaction, or any class thereof, from any provision of the Act, or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act. Section 6(e) permits the SEC to require companies exempted from the registration requirements of the Act to comply with certain specified provisions thereof as though the

company were a registered investment company.

4. Applicant asserts that registration under the Act would involve unnecessary burden and expense for MLX and its shareholders where there is no likelihood of abuse. MLX believes that registration would require costly changes in its financial reporting requirements, because the requirements are significantly different for investment companies. MLX contends that making such changes during this interim period, until it consummates the acquisition of an operating business, is likely to result in considerable and unwarranted confusion of its shareholders and the investing public. MLX states that many shareholders, as a result of such confusion, might sell their positions in MLX, an event which might have an adverse effect on the market price of MLX's securities and consequently on MLX's remaining shareholders. MLX asserts that those shareholders also would be deprived of the benefits of a potential acquisition.

5. MLX contends that certain provisions of the Act also might impair its ability to carry out its stated intention to acquire an operating business. For example, MLX believes that: (a) The shareholder approval requirement of section 13(a)(4) of the Act would be a significant obstacle to effecting any acquisition requiring rapid action, (b) the cross-ownership prohibition of section 20(c) of the Act would limit MLX's ability to attempt a takeover which was not favored by the target sought to be acquired, and (c) the debt limitations of section 18 of the Act might preclude bridge financing of an acquisition.

6. MLX states that it is a reporting company under the Securities Exchange Act of 1934 and is subject to extensive reporting and other requirements for the protection of its shareholders. Further, MLX asserts that its shareholders and the investing public have been informed on numerous occasions of its intention to acquire an operating business and the framework for its acquisition efforts. MLX also asserts that it has pursued and remains committed to the acquisition of a suitable operating business consistent with the best interests of its shareholders.

7. MLX notes that, in determining whether to grant an exemption for a transient investment company, the SEC considers such factors as: (1) Whether the failure of the company to become primarily engaged in a non-investment company business within one year was due to factors beyond its control; (2) whether the company's officers and employees during that period tried, in good faith, to effect the company's investment of its assets in a non-investment company business; and (3) whether the company invested in securities solely to preserve the value of its assets.

8. MLX states that, while it is using its best efforts, in good faith, to acquire an operating business with the proceeds of the Wellman Transaction, it has been unable to negotiate a favorable transaction. MLX asserts that this is attributable solely to factors beyond its control, including the unavailability of suitable acquisition candidates and the unwillingness of certain candidates to accept what MLX believed to be reasonable offers. Moreover, MLX states that the purchase of a suitable operating business of the size being pursued often requires a long period of time. MLX contends that its ability to acquire an operating business will depend upon the availability of suitable acquisition candidates, the willingness of those candidates to accept MLX's offers and the time needed to negotiate the terms of the acquisition and other factors outside of its control.

9. MLX submits that management's efforts to invest its assets in a non-investment company business are evident from the efforts of Three Cities and the other Financial Intermediaries to provide assistance in identifying acquisition candidates, and the facts that MLX's management spends substantially all of their time on MLX's acquisition search and MLX's investments in overnight repurchase agreements are made solely to maximize the safety of its assets. MLX contends that its investments in overnight repurchase agreements, motivated primarily by a desire to consummate an acquisition and to preserve the value of capital pending consumation of such acquisition, should not be subject to registration and regulation under the Act.

10. Section 17(d) and rule 17d–1 thereunder make it unlawful for any affiliated person of a registered investment company, acting as principal, to effect any transaction in which the company is a joint or joint and several participant with the affiliated person unless the transaction has been approved by order of the SEC. MLX believes that compliance with section 17(d) of the Act and the rules thereunder would prohibit operation of and compliance with the 1985 Plan, the 1995 Plan, and Messrs. Esher's and Waggoner's Option Agreements. MLX states that these options were granted as compensation to various executive officers and key employees at different times prior to the Wellman Transaction. MLX asserts that the inability to realize the value of those options would be unfair to such officers without such result being necessary or appropriate in the public interest.

11. Section 17(f) provides that the securities and similar investments of a registered management investment company must be placed in the custody of a bank, a member of a national securities exchange, or the company itself in accordance with SEC rules. MLX does not believe that its current custodial arrangement present any material risk to investors. MLX states that all assets invested under the Program are in the custody of qualified banks and the ability of such banks to transfer money in and out is subject to numerous restrictions and checks and balances. Furthermore, MLX states that those assets are insured up to $5 million, an amount substantially in excess of what would be required under a fidelity bond obtained pursuant to section 17(g) of the Act. MLX also states that its custodial arrangements are consistent with the substantive requirements of rule 17f–2 under the Act, except for the requirements of paragraph (f) thereof regarding the requirement for MLX's independent accountants to conduct three actual examinations. MLX also submits that its financial statements are audited annually be its independent accountants. Under these circumstances, MLX asserts that there are clearly no shareholder or investor interests to be served by requiring it to register under the Act.

Applicant's Conditions

Applicant agrees that any order will be subject to the following conditions:

1. During the period of time MLX is exempted from registration under the Act, MLX will not purchase or otherwise acquire any additional securities other than securities that are rated investment grade or higher by a nationally recognized statistical rating organization or, if unrated, deemed to be of comparable quality under guidelines approved by MLX's board of directors, except that MLX may make equity investments in issuers that are not investment companies, as defined in section 3(a) of the Act (unless such issuer is covered by a specific exclusion from the definition of investment company under section 3(c) other than sections 3(c)(1) and 3(c)(7)), in the following circumstances: (a) In connection with the consideration of the possible acquisition of an operating business as evidenced by a resolution approved by MLX's board of directors, and (b) in connection with the

acquisition of majority-owned subsidiaries.

2. MLX will allocate and utilize its accumulated cash and short-term securities for the purpose of funding cash requirements for its existing businesses or for acquiring one or more new businesses.

3. While any order is in effect, MLX's 10–K, 10–Q, and annual reports to shareholders will state that an exemptive order has been granted pursuant to sections 6(c) and 6(e) of the Act and that MLX and other persons, in their transactions and relations with applicant, are subject to sections 9, 17(a), 17(d) (except as discussed in the application), 17(e), 17(f) (except as discussed in the application), and 36 through 53 of the Act as if MLX were a registered investment company.

4. MLX will obtain an amended order from the SEC prior to any material modification of MLX's custodial arrangement in a manner not described in the application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–10762 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Texas Meridian Resources Corporation, Common Stock, $0.01 Par Value) File No. 1–10671

April 21, 1997.

Texas Meridian Resources Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'' or ''Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company has complied with Rule 18 of the Amex by filing with such Exchange a certified copy of preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its common stock from listing on the Amex and by setting forth in detail to such Exchange the reasons for such proposed withdrawal, and the facts in support thereof. The Company became listed for trading on the New York Stock Exchange, Inc. (''NYSE'') pursuant to a Registration Statement on Form 8–A effective March 19, 1997.

In making the decision to withdraw its Security from listing on the Amex, the Company considered the greater visibility and liquidity for the Company's Security on the NYSE, resulting in enhanced shareholder value.

Any interested person may, on or before May 12, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–10684 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Vertex Industries, Inc., Common Stock, $.005 Par Value) File No. 1–12612

April 21, 1997.

Vertex Industries, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the Boston Stock Exchange, Inc. (''BSE'') or Exchange'').

The reasons cited in the application for withdrawing the Security from listing and registration include the following:

The Company's Security is listed on the NASDAQ SmallCap market under the symbol VETX. The Company cannot justify the expense of being listed on two markets and thereby wishes to be withdrawn from the BSE.

Any interested person may, on or before May 12, 1997, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 97–10685 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38531; File No. SR–NASD–97–27]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the National Association of Securities Dealers, Inc. To Decrease the Minimum Quotation Increment for Certain Securities Listed and Traded on the Nasdaq Stock Market to 1/16th of $1.00

April 21, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 18, 1997, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Nasdaq Stock Market, Inc. (''Nasdaq'') proposes to modify a system parameter for its automated quotation system that reduces the minimum quotation increment for Nasdaq-listed securities priced equal to or greater than $10.00 from 1/8 of $1.00 to 1/16 of $1.00.

[1] 15 U.S.C. § 78s(b)(1).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Presently, Nasdaq's automated quotation system is configured so that a market maker or electronic communications network (''ECN'') can only enter a quote for a particular security in an increment of ⅛ of $1 if the market maker's bid price in that security is equal to or greater than $10. If the market maker's bid is less than $10, it may enter quotes in increments of 1/32 of $1. With this rule filing, Nasdaq seeks approval of a modification to this system parameter that provides that if a market maker's or ECN's bid price for a particular Nasdaq security is equal to or greater than $10, such market maker or ECN could enter quotations in that security in increments of 1/16 of $1 or larger. As of March 31, 1997, there were 2,714 Nasdaq securities (43.2% of all Nasdaq securities) priced equal to or greater than $10. These securities represent 90% of the capitalization of the Nasdaq market and 68.6% of the share volume in Nasdaq. Nasdaq also notes that 98.7% of all trades in Nasdaq securities priced equal to or greater than $10 occur in increments equal to or greater than 1/16th and 98.5% of all share volume in such securities occurs in increments equal to or larger than 1/16th. As a result, with this proposal, only a very small percentage of Nasdaq trades will be effected at a price increment finer than the minimum quotation increment. Accordingly, Nasdaq believes the benefits to investors resulting from the proposal will be very profound and significant.

Specifically, by enabling Nasdaq market makers and investors to display their trading interests in Nasdaq securities in increments as small as 1/16 of $1.00, Nasdaq believes the proposal will enhance the transparency of the Nasdaq market, provide investors with a greater opportunity to receive better execution prices, facilitate greater quote competition, promote the price discovery process for Nasdaq securities, contribute to narrower spreads, and enhance the capital formation process.[2] Moreover, Nasdaq believes that the proposed rule change is wholly consistent with, and in furtherance of, the important investor protection goals underlying the Order Execution Rules.[3]

Specifically, whereas today customer limit orders and orders entered into ECNs priced in sixteenths are rounded to the nearest eighth for public display,[4] under Nasdaq's proposal, all such orders would be publicly displayed at their actual price. By displaying such orders at their actual prices, Nasdaq believes the already substantial benefits provided by implementation of the Order Execution Rules will be commensurately increased. In particular, the NASD's analysis of the markets for the first 150 Nasdaq stocks subject to the SEC's Order Execution Rules shows that: [5]

- Quoted spreads have narrowed 32.3%; [6] effective spreads have narrowed 24.6%; and actual dollar spreads have narrowed 31.8%.[7]
- Average dealer spreads have narrowed 3.8%.
- The amount of time the inside spread was equal to an eighth increased 104.9%, meaning that quoted spreads in these stocks were equal to their narrowest quote increment 47.8% of the time. In addition, inside spreads were equal to or less than a quarter 77.1% of the time.
- The average number of market makers per stock has increased 5.6%, or 1.1 market makers per stock.
- The maximum quoted depth of any single market maker at the inside bid or offer has increased 37.2%.
- There has been a noticeable increase in the number of quotation updates greater than 1,000 shares. Before implementation of the Actual Size Rule, market makers virtually never displayed sizes greater than 1,000 shares. Since the Rule has been in effect, 6.3% of all market maker quote updates have been for greater than 1,000 shares.

Nasdaq believes that increasing the transparency of orders priced in sixteenths will augment the already substantial benefits to investors brought about by the Order Execution Rules. Nasdaq also believes it is particularly appropriate to narrow the quotation increment for Nasdaq securities priced equal to or above $10 in light of the SEC's announcement to accelerate the phase-in of the Order Execution Rules.[8]

2. Statutory Basis

For the reasons noted above, Nasdaq believes the proposed rule change is consistent with Sections 11A(a)(1)(C), 15A(b)(6), 15A(b)(9), 15A(b)(11) and of the Act.[9] Section 11A(a)(1)(C) provides that it is in the public interest to, among other things, ensure the economically efficient execution of securities transactions and ensure that information with respect to quotations for, and transactions in, securities is available to brokers, dealers, and investors.[10] Section 15A(b)(6) requires that the rules

[2] While Nasdaq is proposing to narrow the minimum quotation increment to 1/16 of $1.00 for Nasdaq securities with an inside bid price equal to or greater than $10, Nasdaq is taking no position at this time as to whether quotations in Nasdaq securities should be expressed in decimals. As always, Nasdaq is supportive of any regulatory initiative that would promote the protection of investors. With respect to decimalization, however, Nasdaq does not believe that enough data and analysis exist concerning decimalization to enable the NASD and Nasdaq to conclude that decimalization will or will not be, on balance, beneficial to investors, to issuers, and to the integrity of the Nasdaq market. Accordingly, NASD staff has commenced an analysis of the costs and benefits that would be involved in a shift to decimalization. In addition, in order to be prepared should decimal quoting prove beneficial to investors, Nasdaq is presently moving toward the technological capability to quote in decimals.

[3] On August 28, 1996, the Commission adopted Rule 11Ac1–4, the ''Limit Order Display Rule,'' and amendments to Rule 11Ac1–1, the ''ECN Rule,'' to require over-the-counter (''OTC'') market makers and exchange specialists to display certain customer limit orders, and to publicly disseminate the best prices that the OTC market maker or exchange specialist has placed in certain ECNs, or to comply indirectly with the ECN Amendment by using an ECN that furnishes the best market maker and specialist prices therein to the public quotation system (collectively, the ''Order Execution Rules'' or the ''Rules''). *See* Securities Exchange Act Release No. 37619A (Sept. 6, 1996), 61 FR 48290 (Sept. 12, 1996).

[4] In particular, orders to buy (sell) are rounded down (up) to the nearest eighth.

[5] Statistics concerning the first 150 Nasdaq stocks subject to the Order Execution Rules reflect a comparison of the markets for these securities for the 20 trading days before January 20, 1997 and the 24 trading days after February 24, 1997.

[6] A *quoted spread* is the difference between the inside bid and ask. The individual dollar spreads used to calculate the average for a given stock are weighted by the amount of time each spread was in effect for the day, *i.e.*, the spread's duration.

[7] An *effective spread* is measured by taking the absolute difference between a transaction price and the bid-ask midpoint, multiplied by two. Each effective spread is weighted by the share volume of the associated transaction. An *actual spread* is measured by taking the transaction price minus the bid-ask midpoint for market maker sells, and the bid-ask midpoint minus the transaction price for market maker buys. The figure is multiplied by two to compare the quoted spread, and the average is volume-weighted.

[8] *See* Securities Exchange Act Release No. 38490 (Apr. 9, 1997), 62 FR 18514 (Apr. 16, 1997).

[9] 15 U.S.C. §§ 78k–1(a)(1)(C), 78*o*–3(b)(6), 78*o*–3(b)(9), 78*o*–3(b)(11).

[10] 15 U.S.C. § 78k–1(a)(1)(C).

of a national securities association be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.[11] Section 15A(b)(9) requires that the rules of the Association not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[12] Section 15A(b)(11) requires the NASD to, among other things, formulate rules designed to produce fair and informative quotations.[13] Nasdaq also notes that the proposed rule change is consistent with statements made by the Commission in its approval order for the Order Execution Rules and by the Commission's Division of Market Regulation in its Market 2000 Study.[14]

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq believes the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Association has neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) As the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

[11] 15 U.S.C. § 78*o*–3(b)(6).

[12] 15 U.S.C. § 78*o*–3(b)(9).

[13] 15 U.S.C. § 78*o*–3(b)(11).

[14] *See* Order Execution Rules Approval Order, *supra* note 3, at 61 FR 48315 n.282; SEC, Division of Market Regulation, *Market 2000: An Examination of Current Equity Market Developments* 18 (Jan. 1994).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Also, copies of such filing will be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–97–27 and should be submitted by May 16, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret M. McFarland,

Deputy Secretary.

[FR Doc. 97–10761 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–38528; File No. SR–PCX–97–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Margin Requirements for Options

April 18, 1997.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 14, 1997, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[15] 17 C.F.R. 200.30–3(a)(12).

[1] U.S.C. 78s(b)(1) (1982).

[2] 17 CFR 240.19b–4 (1991).

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is proposing to amend its Rule 2.16 (''Margin Requirements''). The proposed amendments include codification of permitted market maker and specialist offset positions that are being eliminated from Regulation T of the Federal Reserve Board (''FRB'') and an incorporation of specific provisions of Rule 15c3–1 under the Act (''the Net Capital Rule''). The proposed rule change also incorporates in Rule 2.16 cash account transactions permitted by the FRB and the Commission, as well as incorporating several definitions. Proposed new language is italicized; proposed deletions are in brackets.

Text of the Proposed Rule Change

Margins

¶3423

Rule 2.15(a)–(e)—No change.

¶3437 Margin Requirements

Rule 2.16(a)–(d)(2)(I)—No change.

(J) Option Specialists, Market Makers and Traders. *Notwithstanding the other provisions of this sub-section (d)(2), a member organization may clear and carry the listed option transactions of one or more registered specialists, registered market makers or registered traders in options (which registered traders are deemed specialists for all purposes under the Securities Exchange Act of 1934 pursuant to the rules of a national securities exchange) (hereafter referred to as ''specialist(s)''), upon a ''Good Faith'' margin basis satisfactory to the concerned parties, provided the ''Good Faith'' margin requirement is not less than the Net Capital haircut deduction of the member organization carrying the transaction pursuant to SEC Rule 15c3–1. In lieu of collecting the ''Good Faith'' margin requirement, a carrying member organization may elect to deduct in computing its Net Capital the amount of any deficiency between the equity maintained in the account and the ''Good Faith'' margin required.*

For purposes of the subsection (d)(2)(J), a permitted offset position means, in the case of an option in which a specialist makes a market, a position in the underlying asset or other related assets, and in the case of other securities in which a specialist makes a market, a position in options overlying the securities in which a specialist makes a market. Accordingly, a specialist in options may establish, on a share-for-share basis, a long, or short position in the securities underlying the

options in which the specialist makes a market, and a specialist in securities other than options may purchase or write options overlying the securities in which the specialist makes a market, if the account holds the following permitted offset positions:

(i) A short option that is ''in or at the money'' and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security that is ''in the money'';

(ii) A long option position that is ''in or at the money'' and is not offset by a long or short option position for an equal or greater number of shares of the same underlying security that is ''in the money'';

(iii) A short option position against which an exercise notice was tendered;

(iv) A long option position that was exercised;

(v) A net long position in a security (other than a option) in which a specialist makes a market;

(vi) A net short position in a security (other than an option) in which a specialist makes a market; or

(vii) A specified portfolio type as referred to in SEC Rule 15c3–1, Appendix A.

For purposes of this paragraph (d)(2)(J), the term ''in or at the money'' means the current market price of the underlying security is not more than two standard exercise intervals below (with respect to a call option) or above (with respect to a put option) the exercise price of the option; the term ''in the money'' means the current market price of the underlying asset or index is not below (with respect to a call option) or above (with respect to a put option) the exercise price of the option; and, the term ''overlying option'' means a put option purchased or a call option written against a long position in an underlying asset; or a call option purchased or a put option written against a short position in an underlying asset.

Securities, including options, in such accounts shall be valued conservatively in the light of current market prices and the amount that might be realized upon liquidation. Substantial additional margin must be required or excess Net Capital maintained in all cases where the securities carried: (i) Are subject to unusually rapid or violent changes in value including volatility in the expiration months of options, (ii) do not have an active market, or (iii) in one or more or all accounts, including proprietary accounts combined, are such that they cannot be liquidated promptly or represent under concentration of risk in view of the carrying organization's Net Capital and its overall exposure to material loss.

[(i) Notwithstanding the other provisions of this section, a member or member firm may clear and carry the listed option transactions of one or more registered specialists, registered market makers or registered traders in options upon a margin basis which is mutually satisfactory.

(ii) In the case of a joint account carried by a member firm for a registered specialist, registered market-maker or registered trader in listed options in which the member firm participates, the margin deposited by the other participants may be in any amount which is mutually satisfactory.]

(K) The Exchange may at any time impose higher margin requirements with respect to any option or warrant position(s) if it deems such higher margin requirements are appropriate.

(L) Exclusive designation.—A customer may designate at the time an option order is entered which security position held in the account is to serve in lieu of the required margin, if such service is offered by the member organization; or the customer may have a standing agreement with the member organization as to the method to be used for determining on any given day which security position will be used in lieu of the margin to support an option transaction. Any security held in the account that serves in lieu of the required margin for a short put or short call shall be unavailable to support any other option transaction in the account.

(M) Cash account transactions.—A member organization may make option transactions in a customer's cash account, providing:

(i) The transaction is permissible under Section 220.8 of Regulation T of the Board of Governors of the Federal Reserve System; or

(ii) the transaction is a debit put spread in listed broad-based index options with European-style exercise comprised of a long put(s) coupled with a short put(s) overlying the same broad-based index with an equivalent underlying aggregate index value and the short put(s) and long put(s) expire simultaneously, and the strike price of the long put(s) exceed the strike price of the short put(s).

Rule 2.16(d) (3)–(9)—No change.

II. Self-Regulatory Organization's Statement of, the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Regulation T of the FRB currently prescribes option margin requirements. In April 1996, the FRB amended Regulation T effectively to delegate margin requirements for options transactions for both customers and market makers/specialists, shifting responsibility for establishing margin requirements for such transactions to the self-regulatory organizations. This amendment to Regulation T will become effective June 1, 1997. Accordingly, the proposed amendments incorporate the current FRB requirements into Exchange Rule 2.16 so that they may remain in effect after June 1, 1997. The proposed amendments also incorporate certain treatments of positions recognized under the Net Capital Rule.

More specifically, the proposed amendments to Rule 2.16 adopt provisions regarding permitted market maker and specialist offset positions from Regulation T and the Net Capital Rule. These offset positions would be subject to the same ''good faith'' margin treatment as currently afforded under Regulation T and would require the clearing/carrying firm to comply with the applicable haircut requirements of the Net Capital Rule for any cash margin deficiency (e.g., the difference between the margin required under Rule 2.16 and the amount received from the specialist/market maker). The proposal also incorporates the current Regulation R definitions of the terms ''in or at the money,'' ''in the money'' and ''overlying options.'' The parameters for permitted offsets within the ''in or at the money'' definition have been expanded from one to two ''standard exercise intervals.'' In addition, Section (d)(2)(J) of the rule has been revised in order to clarify the existing definition of ''good faith'' margin requirements. Moreover, a new subsection (d)(2)(K) has been added, stating that the Exchange may at any time impose higher margin requirements with respect to any option or warrant position(s) if it deems such higher margin requirements are appropriate. Furthermore, a new provision has been added (Section (d)(2)(L)) to incorporate the provisions currently contained in Regulation T

regarding ''exclusive designation'' that allow a customer to designate which security position in an account is to be utilized to cover the required margin at the time an option order is entered; provided the member organization offers such a service. Finally, Section (d)(2)(M) has been added to incorporate those cash account transactions currently permitted under Regulation T and the debit put spread currently allowed pursuant to the Commission's no-action letter on ''theoretical pricing.''

Statutory Basis

The proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act which provides that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect the investing public. The proposed rule change is also consistent with the rules and regulations of the Board of Governors of the Federal Reserve System for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, pursuant to Section 7(a) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will—

(A) By order approve such rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–97–10 and should be submitted by May 16, 1997.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 97–10763 Filed 4–24–97; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF STATE

[Public Notice No. 2533]

Shipping Coordinating Committee; Maritime Safety Committee; Notice of Meeting

The Shipping Coordinating Committee will conduct an open meeting at 9:30 a.m. on Wednesday, May 21, 1997, in Room 2415, at U.S. Coast Guard Headquarters, 2100 2nd Street, SW, Washington, DC. The purpose of this meeting will be to finalize preparations for the 68th Session of the Maritime Safety Committee, and associated bodies of the International Maritime Organization (IMO), which is scheduled for May 28–June 6, 1997 at IMO Headquarters in London, England. At the meeting, papers received and the draft U.S. positions will be discussed.

Among other things, the items of particular interest are:

a. Adoption of amendments to the Safety of Life at Sea Convention
b. Bulk carrier safety
c. Role of the human element
d. Formal safety assessment, and
e. Report of the following Subcommittees:
   (i) Training and watchkeeping
   (ii) Fire protection
   (iii) Flag State implementation
   (iv) Radio communications and search and rescue
   (v) Ship design and equipment
   (vi) Dangerous goods, solids cargoes and containers.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may seek information by writing to Mr. Joseph J. Angelo, Commandant (G–MS), U.S. Coast Guard, 2100 2nd Street, SW, Room 1218, Washington, DC 20593–0001 or by calling (202) 267–2970.

Dated: April 16, 1997.

Russell A. La Mantia,

Chairman, Shipping Coordinating Committee.

[FR Doc. 97–10682 Filed 4–24–97; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGDO8–97–012]

Houston/Galveston Navigation Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of subcommittee meetings.

SUMMARY: The two Subcommittee (Waterways and Navigation) of their Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) will meet to discuss waterway improvements, aids to navigation, current meters, and various other navigation safety matters affecting the Houston/Galveston area. Both meetings will be open to the public. Members of the public may present written or oral statements at the meetings.

DATES: The meeting of the Navigation Subcommittee will be held on Thursday, May 1, 1997 at 9:30 a.m. and immediately following, the Waterways Subcommittee will meet.

ADDRESSES: The subcommittee meetings will be held at the Houston Yacht Club, 3620 Miramar, Houston, Texas 77571.

FOR FURTHER INFORMATION CONTACT: Captain Kevin Eldridge, Executive Director of HOGANSAC, telephone (713) 671–5199, or Commander Paula Carroll, Executive Secretary of HOGANSAC, telephone (713) 671–5164.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agendas of the Meetings

Subcommittee on Waterways

The tentative agenda includes the following:

(1) Presentation by each work group of its accomplishments and plans for the future, including ACOE dredging projects Bayport setback and the Hurricane Plan.

(2) Review and discuss the work completed by each work group.

Subcommittee on Navigation

The tentative agenda includes the following:

(1) Presentations by each work group of its accomplishments and plans for the future, including current meters, National Weather Service and Baytown Tunnel removal.

(2) Review and discuss the work completed by each work group.

Procedural

All meetings are open to the public. Members of the public may make oral presentations during the meetings.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: April 11, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 97–10735 Filed 4–24–97; 8:45 am]

BILLING CODE 4310–14–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD08–97–013]

Houston/Galveston Navigation Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of full committee meeting.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) will meet to discuss waterway improvements, aids to navigation, current meters, and various other navigation safety matters affecting the Houston/Galveston area. All meetings will be open to the public. Members of the public may present written or oral statements at the meeting.

DATES: The meeting of HOGANSAC will be held on Thursday, May 15, 1997 from 9 a.m. to approximately 1 p.m.

ADDRESSES: The HOGANSAC meeting will be held in the conference room of the Houston Pilots Office, 8150 South Loop East, Houston, Texas.

FOR FURTHER INFORMATION CONTACT:

Captain Kevin Eldridge, Executive Director of HOGANSAC, telephone (713) 671–5199, or Commander Paula Carroll, Executive Secretary of HOGANSAC, telephone (713) 671–5164.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of the Meeting

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC)

The tentative agenda includes the following:

(1) Opening remarks by the Executive Director (CAPT Eldridge) and Chairman (Tim Leitzell).

(2) Approval of the January 30, 1997 minutes.

(3) Report from the Waterways Subcommittee.

(4) Report from the Navigation Subcommittee.

(5) Status reports on Committee membership, HSC 2000 Report, ''Mo'bility'' initiative, Bayport Tunnel removal, Army Corps of Engineers' dredging projects, and comments and discussions from the floor.

Procedural

All meetings are open to the public. Members of the public may make oral presentations during the meetings.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: April 11, 1997.

T.W. Josiah,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 97–10736 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Noise Exposure Map Notice; Receipt of Noise Compatibility Program and Request for Review, Sarasota-Bradenton International Airport, Sarasota, FL

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its determination that the updated future noise exposure map submitted by the Sarasota Manatee Airport Authority for Sarasota-Bradenton International Airport under the provisions of Title 1 of the Aviation Safety and Noise Abatement Act of 1979 (Pub. L. 96–193) and 14 CFR part 150 is in compliance with applicable requirements The FAA also announces that it is reviewing a proposed noise compatibility program update that was submitted for Sarasota-Bradenton International airport under part 150 in conjunction with the noise exposure maps, and that this program update will be approved or disapproved on or before October 12, 1997. This program was submitted subsequent to a determination by FAA that the associated existing noise exposure map submitted under 14 CFR part 150 for the Sarasota-Bradenton International Airport was in compliance with applicable requirements effective May 7, 1996.

EFFECTIVE DATE: The effective date of the FAA's determination on the updated future noise exposure map and of the start of its review of the associated noise compatibility program update is April 15, 1997. The public comment period ends June 14, 1997.

FOR FURTHER INFORMATION CONTACT: Mr. Tommy J. Pickering, P.E., Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024, (407) 812–6331, Extension 29. Comments on the proposed noise compatibility program update should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA finds that the undated future noise exposure map submitted for Sarasota-Bradenton International Airport is in compliance with applicable requirements of part 150, effective April 15, 1997. Further, FAA is reviewing a proposed noise compatibility program update for that airport which will be approved or disapproved on or before October 12,

1997. This notice also announces the availability of this program update for public review and comment.

Under section 103 of Title I of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator may submit to the FAA noise exposure maps which meet applicable regulations and which depict noncompatible land uses as of the date of submission of such maps, a description of projected aircraft operations, and the ways in which such operations will affect such maps. The Act requires such maps to be developed in consultation with interested and affected parties to the local community, government agencies, and persons using the airport.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposes for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The Sarasota Manatee Airport Authority submitted to the FAA on April 9, 1997, an updated future noise exposure map, descriptions and other documentation which were produced during the Sarasota-Bradenton International Airport FAR Part 150 Study Update conducted between may 1, 1993 and April 7, 1997. It was requested that the FAA review this material as the future noise exposure map, as described in section 103(a)(1) of the Act, and that the noise mitigation measures, to be implemented jointly by the airport and surrounding communities, be approved as a noise compatibility program under section 104(b) of the Act.

The FAA has completed its review of the updated future noise exposure map and related descriptions submitted by the Sarasota-Manatee Airport Authority. The specific map under consideration is ''FUTURE (2000) NOISE EXPOSURE MAP with Recommended Noise Abatement Measure Implemented'' in the submission. The FAA has determined that this map for Sarasota-Bradenton International Airport is in compliance with applicable requirements. This determination is effective on April 15, 1997. FAA's determination on an airport operator's noise exposure map is limited to a finding that the map was developed in accordance with the procedures contained in appendix A of FAR part 150. Such determination does not constitute approval of the applicant's data, information or plans, or a commitment to approve a noise compatibility program or to fund the implementation of that program.

If questions arise concerning the precise relationship of specific properties to noise exposure contours depicted on a noise exposure map submitted under Section 103 of the Act, it should be noted that the FAA is not involved in any way in determining the relative locations of specific properties with regard to the depicted noise contours, or in interpreting the noise exposure map to resolve questions concerning, for example, which properties should be covered by the provisions of Section 107 of the Act. These functions are inseparable from the ultimate land use control and planning responsibilities of local government. These local responsibilities are not changed in any way under part 150 or through FAA's review of a noise exposure map. Therefore, the responsibility for the detailed overlaying of noise exposure contours onto the map depicting properties on the surface rests exclusively with the airport operator which submitted those map, or with those public agencies and planning agencies with which consultation is required under section 103 of the Act. The FAA has relied on the certification by the airport operator, under § 150.21 of FAR Part 150, that the statutorily required consultation has been accomplished.

The FAA has formally received the noise compatibility program update for Sarasota-Bradenton International Airport, also effective on April 15, 1997. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to approval or disapproval of the program update. The formal review period, limited by law to a maximum of 180 days, will be completed on or before October 12, 1997.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, Section 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program update with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the updated future noise exposure map, the FAA's evaluation of the map, and the proposed noise compatibility program update are available for examination at the following locations:

Federal Aviation Administration, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822–5024

Sarasota Manatee Airport Authority, Sarasota-Bradenton International Airport, 6000 Airport Circle, Sarasota, FL 34243

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT.**

Issued in Orlando, Florida April 15, 1997.

John W. Reynolds, Jr.,

Assistant Manager, Orlando Airport District Office.

[FR Doc. 97–10729 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–97–25]

Petitions For Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions of exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before May 15, 1997.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____, 800 Independence Avenue, SW., Washington, D.C. 20591.

Comemnts may also be sent electronically to the following internet address: 9–NPRM–CMNTS@faa.dot.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Fred Haynes (202) 267–3939 or Angela Anderson (202) 267–9681 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on April 21, 1997.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions For Exemption

Docket No.: 012SW.
Petitioner: Robinson Helicopter Company.
Sections of the FAR Affected: 14 CFR 27.695.
Description of Relief Sought: To permit certification of hydraulically boosted controls on the Model R44 helicopter without the necessity of considering the jamming of a control valve as a possible failure signal.

Docket No.: 28781.
Petitioner: United Airlines, Inc.
Sections of the FAR Affected: 14 CFR 121.438.
Description of Relief Sought: To permit the petitioner to allow its second-in-command (SIC) pilots that have fewer than 100 hours of flight time as SIC in part 121 operations in the type of airplane being flown to perform takeoffs and landings at airports designated as special airports.

Docket No.: 28827.
Petitioner: Cessna Aircraft Co.
Sections of the FAR Affected: 14 CFR 25.813(e).
Description of Relief Sought: To permit the installation of a door between passenger compartments in the Cessna Citation Model 560XL.

Docket No.: 28855.
Petitioner: Offshore Logistics, Inc.
Sections of the FAR Affected: 14 CFR 135.152(a).
Description of Relief Sought: To allow the petitioner to operate certain rotorcraft with a seating configuration, excluding pilot seats, of 10 to 19 seats without an approved flight data recorder.

Dispositions of Petitions

Docket No.: 24446.
Petitioner: Air Transport Association of America.
Sections of the FAR Affected: 14 CFR 121.485(b).
Description of Relief Sought/Disposition: To allow the petitioner's member airlines and other similarly situated part 121 air carriers to conduct flights with an airplane having a crew of three or more pilots and an additional flight crewmember.
Grant, April 18, 1997, Exemption No. 4317F.

Docket No.: 28479.
Petitioner: Strong Enterprise.
Sections of the FAR Affected: 14 CFR 105.43(a).
Description of Relief Sought/Disposition: To permit employees, representatives, and other volunteer experimental parachute test jumpers under Strong Enterprises' control to make tandem parachute jumps while wearing a dual-harness, dual parachute pack having at least one main parachute and one auxiliary parachute. The exemption also permits pilots in command of aircraft involved in these operations to allow such persons to make these parachute jumps.
Grant, April 11, 1997, Exemption No. 6474A.

Docket No.: 28638.
Petitioner: U.S. Department of Justice, Immigration and Naturalization Service.
Sections of the FAR Affected: 14 CFR 91.111(b), 91.159(a), and 91.209(a).
Description of Relief Sought/Disposition: To permit the petitioner to conduct in-flight identification, surveillance, and pursuit operations consistent with the assigned mission of the Immigration and Naturalization Service.
Grant, April 10, 1997, Exemption No. 1533C.

Docket No.: 28744.
Petitioner: Boeing commercial airplane Group.
Sections of the FAR Affected: 14 CFR 25.571(e)(1).
Description of Relief Sought/Disposition: To allow the Boeing 737–600/700/800 airplanes relief provided the airplane design complies with the intent of the rule utilizing an impact with a 4 pound bird at ''Vc at sea level or o.85 Vc at 8,000 feet, whichever is greater.
Grant, April 8, 1997, Exemption No. 6600.

[FR Doc. 97–10730 Filed 4–24–97; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Reference DTNH22–97–H05108]

Discretionary Cooperative Agreements to Support the Demonstration and Evaluation of Safe Communities Programs

AGENCY: National Highway Traffic Safety Administration, DOT.
ACTION: Amendment of agency announcement published February 12, 1997, 62 FR 6603.

SUMMARY: The announcement section entitled Application Review Process and Evaluation Factors as appearing on 62 FR 6607 is amended to add the following sentence to the first paragraph:

NHTSA anticipates that an individual, who is not a Federal employee, with technical expertise in state and local data and evaluation methodology will assist in the evaluation of applications received in response to this announcement. Such participation shall not violate any Federal conflicts of interest provisions. Any individual serving in such a capacity will be required to file a statement of financial interests, as well as sign a non-disclosure agreement. Unless an applicant expressly objects to NHTSA's use of such of an individual, NHTSA will assume applicant consent.

James H. Hedlund,

Associate Administrator for Traffic Safety Programs.

[FR Doc. 97–10731 Filed 4–24–97; 8:45 am]
BILLING CODE 4910–59–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Petition for Exemption From the Federal Motor Vehicle Theft Prevention Standard; General Motors

AGENCY: National Highway Traffic Safety Administration (NHTSA) Department of Transportation (DOT).
ACTION: Grant of petition for exemption.

SUMMARY: This notice grants in full the petition of General Motors Corporation

(GM) for an exemption of a high-theft line, the Pontiac Sunfire, from the parts-marking requirements of the Federal Motor Vehicle Theft Prevention Standard. This petition is granted because the agency has determined that the antitheft device to be placed on the line as standard equipment is likely to be as effective in reducing and deterring motor vehicle theft as compliance with the parts-marking requirements of the Theft Prevention Standard. GM requested confidential treatment for some of the information and attachments submitted in support of its petition. In a letter to GM dated February 19, 1997, the agency granted the petitioner's request for confidential treatment of most aspects of its petition.

DATES: The exemption granted by this notice is effective beginning with model year (MY) 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC. 20590. Ms. Proctor's telephone number is (202) 366–0846. Her fax number is (202) 493–2739.

SUPPLEMENTARY INFORMATION: In a petition dated January 7, 1997, General Motors Corporation (GM), requested exemption from the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541) for the Sunfire car line. The petition is pursuant to 49 CFR Part 543, Exemption From Vehicle Theft Prevention Standard, based on the installation of an antitheft device as standard equipment for the entire line.

GM's submittal is considered a complete petition, as required by 49 CFR Part 543.7, in that it met the general requirements contained in § 543.5 and the specific content requirements of § 543.6.

In its petition, GM provided a detailed description and diagram of the identity, design, and location of the components of the antitheft device for the new line. GM will install its ''Passlock'' antitheft device as standard equipment on its MY 1998 Pontiac Sunfire car line.

In order to ensure the reliability and durability of the device, GM conducted tests, based on its own specified standards. GM provided a detailed list of the tests conducted. GM stated its belief that the device is reliable and durable since the device complied with GM's specified requirements for each test.

GM compared the ''Passlock'' device proposed for the Sunfire car line with its first generation ''Pass-Key'' and ''Pass-Key II'' devices which the agency has determined to be as effective in reducing and deterring motor vehicle theft as would compliance with the parts-marking requirements. GM believes that its ''Passlock'' antitheft device will be at least as effective as the ''Pass-Key'' and ''Pass-Key II'' devices.

The Pontiac Sunfire has been voluntarily equipped with the ''Passlock'' antitheft device as standard equipment since model year 1996. The proposed antitheft device is identical to the antitheft device currently equipped on the MY 1997 Chevrolet Cavalier as standard equipment. On March 25, 1996 (See 61 FR 12132) the Chevrolet Cavalier was granted a full exemption from the parts-marking requirements beginning with MY 1997.

GM stated that the thefts as reported by the Federal Bureau of Investigation's National Crime Information Center, are lower for GM ''Pass-Key'' equipped models having partial exemptions from the parts-marking requirements of 49 CFR Part 541, than the thefts for earlier models with similar appearance and construction, which were parts-marked. Therefore, GM concluded that the ''Pass-Key'' device was at least as effective in deterring motor vehicle theft as the parts-marking requirements of 49 CFR Part 541. Based on the system performance of ''Pass-Key'' on other models and the similarity of design and functionality of the ''Passlock'' antitheft device to the ''Pass-Key'' and ''Pass-Key II'' devices, GM believes that the agency should determine that the ''Passlock'' device will be at least as effective in reducing and deterring motor vehicle theft as the parts-marking requirements of the Theft Prevention Standard (49 CFR Part 541).

Based on comparison of the reduction in theft rates of Corvettes using a passive antitheft system and audible/visible alarm with the reduction in theft rates for Chevrolet Camaro and Pontiac Firebird models equipped with a passive antitheft device without an alarm, GM believes that an alarm or similar attention attracting device is not necessary and does not compromise the antitheft performance of these systems.

The agency notes that the reason that the vehicle lines whose theft data GM cites in support of its petition received only a partial exemption from parts-marking was that the agency did not believe that the antitheft system on these vehicles (''Pass-key'' and ''Pass-Key II'') by itself would be as effective as parts-marking in deterring theft because it lacked an alarm system. On that basis, it decided to require GM to mark the vehicle's most interchangeable parts (the engine and the transmission), as a supplement to the antitheft device. Like those earlier antitheft systems GM used, the new ''Passlock'' device on which this petition is based also lacks an alarm system. Accordingly, it cannot perform one of the functions listed in 49 CFR Part 542.6(a)(3), that is, to call attention to unauthorized attempts to enter or move the vehicle.

Since deciding those petitions, however, the agency became aware that theft data shows declining theft rates for GM vehicles equipped with either version of the ''Pass-key'' system. Based on that data, it concluded that the lack of a visual or audio alarm had not prevented the antitheft system from being effective protection against theft and granted two GM petitions for full exemptions for car lines equipped with ''Pass-Key II''. See 60 FR 25939 (May 15, 1995) (grant in full of petition for Chevrolet Lumina and Buick Regal car lines equipped with ''Pass-Key II''); and 58 FR 44874 (grant in full of petition for exemption of Buick Riviera and Oldsmobile Aurora car lines equipped with ''Pass-Key II''). In both of those instances, the agency concluded that a full exemption was warranted because ''Pass-Key II'' had shown itself as likely as parts-marking to be effective protection against theft despite the absence of a visual or audio alarm.

The agency concludes that, given the similarities between the ''Passlock'' device and the ''Pass-Key'' and ''Pass-Key II'' systems, it is reasonable to assume that ''Passlock'', like those systems, will be as effective as parts-marking in deterring theft. Accordingly, it has granted this petition for exemption in full and will not require any parts to be marked on the Pontiac Sunfire car line beginning with MY 1998.

The agency believes that the device will provide the types of performance listed in 49 CFR Part 543.6(a)(3): promoting activation; preventing defeat or circumvention of the device by unauthorized persons; preventing operation of the vehicle by unauthorized entrants; and ensuring the reliability and durability of the device.

As required by 49 U.S.C. 33106 and 49 CFR Part 543.6(a) (4) and (5), the agency finds that GM has provided adequate reasons for its belief that the antitheft device will reduce and deter theft. This conclusion is based on the information GM provided about its antitheft device. This confidential information included a description of reliability and functional tests conducted by GM for the antitheft device and its components.

For the foregoing reasons, the agency hereby grants in full GM's petition for exemption for the MY 1998 Pontiac

Sunfire car line from the parts-marking requirements of 49 CFR Part 541.

If GM decides not to use the exemption for this line, it must formally notify the agency, and, thereafter, the line must be fully marked as required by 49 CFR Parts 541.5 and 541.6 (marking of major component parts and replacement parts).

NHTSA notes that if GM wishes in the future to modify the device on which this exemption is based, the company may have to submit a petition to modify the exemption. Part 543.7(d) states that a Part 543 exemption applies only to vehicles that belong to a line exempted under this part and equipped with the antitheft device on which the line's exemption is based. Further, § 543.9(c)(2) provides for the submission of petitions ''to modify an exemption to permit the use of an antitheft device similar to but differing from the one specified in that exemption.'' The agency wishes to minimize the administrative burden which § 543.9(c)(2) could place on exempted vehicle manufacturers and itself.

The agency did not intend in drafting Part 543 to require the submission of a modification petition for every change to the components or design of an antitheft device. The significance of many such changes could be *de minimis.* Therefore, NHTSA suggests that if the manufacturer contemplates making any changes the effects of which might be characterized as *de minimis*, it should consult the agency before preparing and submitting a petition to modify.

Authority: 49 U.S.C. 33106; delegation of authority at 49 CFR 1.50.

Issued on: April 21, 1997.

L. Robert Shelton,

Associate Administrator for Safety Performance Standards.

[FR Doc. 97–10674 Filed 4–24–97; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Requisition For Revised ATF F 4473, Part 1 and ATF F 5300.35.

DATES: Written comments should be received on or before June 24, 1997 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Dirck Harris, Document Services Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

SUPPLEMENTARY INFORMATION:

Title: Requisition For Revised ATF F 4473, Part 1 and ATF F 5300.35.

OMB Number: 1512–0538.

Form Number: ATF F 1370.2A.

Abstract: This form is used by the general public to request and obtain two revised forms from the Bureau of ATF Distribution Center. The information requested on the form is necessary to fill orders properly and promptly. Without the use of this form, the general public would have to request forms and publications from the Bureau using any number of different vehicles, including postcards, letters, etc.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 125,000.

Estimated Time Per Respondent: 2 minutes.

Estimated Total Annual Burden Hours: 4,167.

Request For Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: April 21, 1997.

John W. Magaw,

Director.

[FR Doc. 97–10751 Filed 4–24–97; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 850]

Commerce in Explosives; List of Explosive Materials

Pursuant to the provisions of section 841(d) of Title 18, United States Code, and 27 CFR 55.23, the Director, Bureau of Alcohol, Tobacco and Firearms, must publish and revise at least annually in the **Federal Register**, a list of explosives determined to be within the coverage of 18 U.S.C. Chapter 40, Importation, Manufacture, Distribution, and Storage of Explosive Materials. This chapter covers not only explosives, but also blasting agents and detonators, all of which are defined as explosive materials in section 841(c) of Title 18, United States Code. Accordingly, the following is the 1997 List of Explosive Materials subject to regulation under 18 U.S.C. Chapter 40, which includes both the list of explosives (including detonators) required to be published in the **Federal Register** and blasting agents. The list is intended to also include any and all mixtures containing any of the materials on the list. Materials constituting blasting agents are marked by an asterisk. While the list is comprehensive, it is not all inclusive. The fact that an explosive material may not be on the list does not mean that it is not within the coverage of the law if it otherwise meets the statutory definitions in section 841 of Title 18, United States Code. Explosive materials are listed alphabetically by their common names followed by chemical names and synonyms in brackets. This revised list supersedes the List of Explosive Materials dated May 9, 1996, FR, Vol. 61, No. 91, and will be effective as of the date of publication in the **Federal Register**.

List of Explosive Materials

A

Acetylides of heavy metals.
Aluminum containing polymeric propellant.
Aluminum ophorite explosive.
Amatex.
Amatol.
Ammonal.
Ammonium nitrate explosive mixtures (cap sensitive).
* Ammonium nitrate explosive mixtures (non cap sensitive).
Aromatic nitro-compound explosive mixtures.
Ammonium perchlorate explosive mixtures.
Ammonium perchlorate composite propellant.
Ammonium picrate [picrate of ammonia, Explosive D].
Ammonium salt lattice with isomorphously substituted inorganic salts.
* ANFO [ammonium nitrate-fuel oil].

B

Baratol.
Baronol.
BEAF [1,2-bis (2,2-difluoro-2-nitroacetoxyethane)].
Black powder.
Black powder based explosive mixtures.
* Blasting agents, nitro-carbo-nitrates, including non cap sensitive slurry and water gel explosives.
Blasting caps.
Blasting gelatin.
Blasting powder.
BTNEC [bis (trinitroethyl) carbonate].
Bulk salutes.
BTNEN [bis (trinitroethyl) nitramine].
BTTN [1,2,4 butanetriol trinitrate].
Butyl tetryl.

C

Calcium nitrate explosive mixture.
Cellulose hexanitrate explosive mixture.
Chlorate explosive mixtures.
Composition A and variations.
Composition B and variations.
Composition C and variations.
Copper acetylide.
Cyanuric triazide.
Cyclotrimethylenetrinitramine [RDX].
Cyclotetramethylenetetranitramine [HMX].
Cyclonite [RDX].
Cyclotol.

D

DATB [diaminotrinitrobenzene].
DDNP [diazodinitrophenol].
DEGDN [diethyleneglycol dinitrate].
Detonating cord.
Detonators.
Dimethylol dimethyl methane dinitrate composition.
Dinitroethyleneurea.
Dinitroglycerine [glycerol dinitrate].
Dinitrophenol.
Dinitrophenolates.
Dinitrophenyl hydrazine.
Dinitroresorcinol.
Dinitrotoluene-sodium nitrate explosive mixtures.
DIPAM.
Dipicryl sulfone.
Dipicrylamine.
Display fireworks.
DNPD [dinitropentano nitrile].
DNPA [2,2-dinitropropyl acrylate].
Dynamite.

E

EDDN [ethylene diamine dinitrate].
EDNA.
Ednatol.
EDNP [ethyl 4,4-dinitropentanoate].
Erythritol tetranitrate explosives.
Esters of nitro-substituted alcohols.
EGDN [ethylene glycol dinitrate].
Ethyl-tetryl.
Explosive conitrates.
Explosive gelatins.
Explosive mixtures containing oxygen releasing inorganic salts and hydrocarbons.
Explosive mixtures containing oxygen releasing inorganic salts and nitro bodies.
Explosive mixtures containing oxygen releasing inorganic salts and water insoluble fuels.
Explosive mixtures containing oxygen releasing inorganic salts and water soluble fuels.
Explosive mixtures containing sensitized nitromethane.
Explosive mixtures containing tetranitromethane (nitroform).
Explosive nitro compounds of aromatic hydrocarbons.
Explosive organic nitrate mixtures.
Explosive liquids.
Explosive powders.

F

Flash powder.
Fulminate of mercury.
Fulminate of silver.
Fulminating gold.
Fulminating mercury.
Fulminating platinum.
Fulminating silver.

G

Gelatinized nitrocellolose.
Gem-dinitro aliphatic explosive mixtures.
Guanyl nitrosamino guanyl tetrazene.
Guanyl nitrosamino guanylidene hydrazine.
Guncotton.

H

Heavy metal azides.
Hexanite.
Hexanitrodiphenylamine.
Hexanitrostilbene.
Hexogen (RDX).
Hexogene or octogene and a nitrated N-methylaniline.
Hexolites.
HMX [cyclo-1,3,5,7-tetramethylene 2,4,6,8-tetranitramine; Octogen].
Hydrazinium nitrate/hydrazine/aluminum explosive system.
Hydrazoic acid.

I

Igniter cord.
Igniters.
Initiating tube systems.

K

KDNBF [potassium dinitrobenzo-furoxane].

L

Lead azide.
Lead mannite.
Lead mononitroresorcinate.
Lead picrate.
Lead salts, explosive.
Lead styphnate [styphnate of lead, lead trinitroresorcinate].
Liquid nitrated polyol and trimethylolethane.
Liquid oxygen explosives.

M

Magnesium ophorite explosives.
Mannitol hexanitrate.
MDNP [methyl 4,4-dinitropentanoate].
MEAN [monoethanolamine nitrate].
Mercuric fulminate.
Mercury oxalate.
Mercury tartrate.
Metriol trinitrate.
Minol-2 [40% TNT, 40% ammonium nitrate, 20% aluminum].
MMAN [monomethylamine nitrate]; ethylamine nitrate.
Mononitrotoluene-nitroglycerin mixture.
Monopropellants.

N

NIBTN [nitroisobutametriol trinitrate].
Nitrate sensitized with gelled nitroparaffin.
Nitrated carbohydrate explosive.
Nitrated glucoside explosive.
Nitrated polyhydric alcohol explosives.
Nitrates of soda explosive mixtures.
Nitric acid and a nitro aromatic compound explosive.
Nitric acid and carboxylic fuel explosive.
Nitric acid explosive mixtures.
Nitro aromatic explosive mixtures.
Nitro compounds of furane explosive mixtures.
Nitrocellulose explosive.
Nitroderivative of urea explosive mixture.
Nitrogelatin explosive.
Nitrogen trichloride.
Nitrogen tri-iodide.
Nitroglycerine [NG, RNG, nitro, glyceryl trinitrate, trinitroglycerine].
Nitroglycide.
Nitroglycol (ethylene glycol dinitrate, EGDN)
Nitroguanidine explosives.
Nitroparaffins Explosive Grade and ammonium nitrate mixtures.
Nitronium perchlorate propellant mixtures.
Nitrostarch.
Nitro-substituted carboxylic acids.
Nitrourea.

O

Octogen [HMX].
Octol [75 percent HMX, 25 percent TNT].
Organic amine nitrates.
Organic nitramines.

P

PBX [RDX and plasticizer].
Pellet powder.
Penthrinite composition.
Pentolite.
Perchlorate explosive mixtures.
Peroxide based explosive mixtures.
PETN [nitropentaerythrite, pentaerythrite tetranitrate, pentaerythritol tetranitrate].
Picramic acid and its salts.
Picramide.
Picrate of potassium explosive mixtures.
Picratol.
Picric acid (manufactured as an explosive).
Picryl chloride.
Picryl fluoride.
PLX [95% nitromethane, 5% ethylenediamine].
Polynitro aliphatic compounds.

Polyolpolynitrate-nitrocellulose explosive gels.
Potassium chlorate and lead sulfocyanate explosive.
Potassium nitrate explosive mixtures.
Potassium nitroaminotetrazole.
Pyrotechnic compositions.
PYX (2,6-bis(picrylamino))-3,5-dinitropyridine.

R

RDX [cyclonite, hexogen, T4, cyclo-1,3,5,-trimethylene-2,4,6,-trinitramine; hexahydro-1,3,5-trinitro-S-triazine].

S

Safety fuse.
Salutes, (bulk).
Salts of organic amino sulfonic acid explosive mixture.
Silver acetylide.
Silver azide.
Silver fulminate.
Silver oxalate explosive mixtures.
Silver styphnate.
Silver tartrate explosive mixtures.
Silver tetrazene.
Slurried explosive mixtures of water, inorganic oxidizing salt, gelling agent, fuel and sensitizer (cap sensitive).
Smokeless powder.
Sodatol.
Sodium amatol.
Sodium azide explosive mixture.
Sodium dinitro-ortho-cresolate.
Sodium nitrate-potassium nitrate explosive mixture.
Sodium picramate.
Special fireworks.
Squibs.
Styphnic acid explosives.

T

T

Tacot [tetranitro-2,3,5,6-dibenzo-1,3a,4,6a tetrazapentalene].
TATB [triaminotrinitrobenzene].
TEGDN [triethylene glycol dinitrate].
Tetrazene [tetracene, tetrazine, 1(5-tetrazolyl)-4-guanyl tetrazene hydrate].
Tetranitrocarbazole.
Tetryl [2,4,6 tetranitro-N-methylaniline].
Tetrytol.
Thickened inorganic oxidizer salt slurried explosive mixture.
TMETN [trimethylolethane trinitrate].
TNEF [trinitroethyl formal].
TNEOC [trinitroethylorthocarbonate].
TNEOF [trinitroethylorthoformate].
TNT [trinitrotoluene, trotyl, trilite, triton].
Torpex.
Tridite.
Trimethylol ethyl methane trinitrate composition.
Trimethylolthane trinitrate-nitrocellulose.
Trimonite.
Trinitroanisole.
Trinitrobenzene.
Trinitrobenzoic acid.
Trinitrocresol.
Trinitro-meta-cresol.
Trinitronaphthalene.
Trinitrophenetol.
Trinitrophloroglucinol.
Trinitroresorcinol.
Tritonal.

U

Urea nitrate.

W

Water bearing explosives having salts of oxidizing acids and nitrogen bases, sulfates, or sulfamates (cap sensitive).
Water-in-oil emulsion explosive compositions.

X

Xanthamonas hydrophilic colloid explosive mixture.

FOR FURTHER INFORMATION CONTACT: Mark Waller or Gail Hosey Davis, Specialists, Firearms and Explosives Operations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202–927–8310).

Approved: April 18, 1997.

John W. Magaw,

Director.

[FR Doc. 97–10752 Filed 4–24–97; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Pub. L. 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held at the Department of Veterans Affairs Central Office, Room 630, 810 Vermont Avenue, NW, Washington, DC 20420, from June 4, 1997, through June 6, 1997. Each day the meeting will convene at 9:00 a.m. and end at 5:00 p.m. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the need of such veterans for compensation, health care and rehabilitation.

The agenda for June 4 will begin with a review of Committee reports and also an update of activities since the last meeting. The agenda on June 5 will include a presentation of POW issues and general business. On June 6 the Committee will receive remarks from the Acting Under Secretary for Benefits and also will involve subcommittee work.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Ms. Kristine A. Moffitt, Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, N.W., Washington, DC, 20420. Submitted material must be received at least five business days prior to the meeting. Members of the public may be asked to clarify submitted material prior to consideration by the Committee.

A report of the meeting and roster of Committee members may be obtained by Ms. Moffitt.

By Direction of the Secretary.

Dated: April 18, 1997.

Heyward Bannister,

Committee Management Officer.

[FR Doc. 97–10669 Filed 4–24–97; 8:45 am]

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Federal Crop Insurance Corporation

Crop insurance regulations:

Forage plants; published 3-26-97

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Clean Air Act:

Enhanced monitoring program; credible evidence revisions; published 2-24-97

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:

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Endangered and threatened species:

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Regattas and marine parades:

Crawford Bay Crew Classic; published 4-25-97

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Agricultural Marketing Service

Nectarines and peaches grown in California; comments due by 5-1-97; published 4-1-97

Perishable Agricultural Commodities Act; implmentation:

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Direct and guaranteed loan making provisions; comments due by 5-2-97; published 3-3-97

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Direct and guaranteed loan making provisions; comments due by 5-2-97; published 3-3-97

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National Oceanic and Atmospheric Administration

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Atlantic swordfish; comments due by 4-28-97; published 2-26-97

Atlantic swordfish and shark; comments due by 4-28-97; published 3-10-97

Caribbean, Gulf, and South Atlantic fisheries—

Gulf of Mexico Fishery Management Council; public hearings; comments due by 5-2-97; published 4-11-97

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West Coast States and Western Pacific fisheries—

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